

Laurence Howells  
Chief Executive  
Scottish Funding Council  
Apex 2  
97 Haymarket Terrace  
Edinburgh  
EH12 5HD

**2 April 2015**

Dear Laurence,

I am writing to you with deep concerns in relation to the future of Glasgow Clyde College Students' Association, following the decision of the Glasgow Clyde College board to delay a decision in relation to future funding for the Association.

We understand, at Glasgow Clyde College's recent Board Meeting, the decision was taken to delay a decision on levels of funding for the Students' Association for 2015/16. This is despite plans having been discussed for many months, and extensive consultation with students and the involvement of the Board throughout the process, over many months, to develop the proposals.

Given we are already in April, a decision to further delay a decision on funding risks the future of the Association from next year, and risks a further delay to elections for student representative positions, potentially into the next academic year. If this is the case, we face the prospect of a large gap between the end of the sabbatical team's positions this year and the beginning of the new team following elections late this calendar year, threatening continuity and handover, and threatening the incredible gains at the Association over recent time. This would be enormously damaging to students and the Association at Glasgow Clyde College.

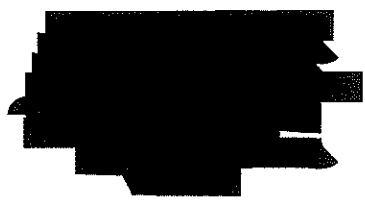
I am of the view that there is a risk that the decision to delay funding has been taken, at best, without understanding the potential damage this could cause GCCSA, and without heed of the fact that colleges require to have a functioning students' association under the terms of the Post-16 Education (Scotland) Act to be a 'fundable body'. At worst, however, we fear that this decision may be an attempt to deliberately undermine the strength of the Association, and to continue a theme of intimidating and undermining behaviour aimed at the student officers of GCCSA. In our view this is the latest example of decisions and behaviour at Glasgow Clyde College that seem to have failed to consider or completely ignored the best interests of students at the College.

I should highlight that GCCSA was awarded college students' association of the year at this year's NUS Scotland awards. After all of the hard work of students and the student officers at Glasgow Clyde College, for it to be washed away by the decision to delay funding, and more generally by behaviour at the College, would be a travesty.

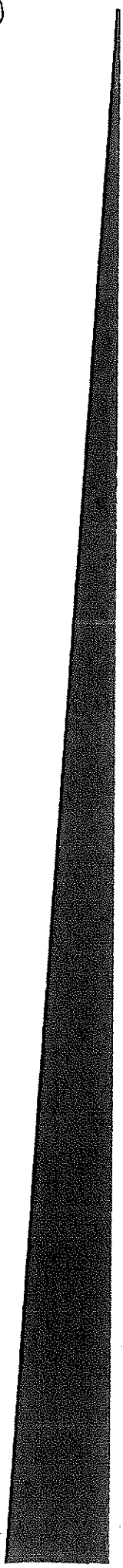
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I know how strong your, and the SFC's, commitment is to students and to student representation, and that of the Scottish Government more generally. I would be grateful for any support or any intervention you could make on this matter that would help to secure the future of the Students' Association and avoid the prospect we face of severe damage to students and to the student voice at Glasgow Clyde College.

Yours sincerely,



  
NUS Scotland President



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 07 April 2015 13:32  
**To:** Laurence Howells  
**Cc:** [REDACTED] John Kemp  
**Subject:** FW: Clarification and correction

Laurence

I was in such a hurry to respond to the vice chair I made a typo, recognised by myself and also on further reflection missed out a key point , so I have sent out another mail to clarify. See below.

●  
[REDACTED]  
President & Chief Executive GCCSA

Phone: [REDACTED]  
E-mail: [REDACTED]  
Web: [Glasgow Clyde College](#)



**From:** [REDACTED]  
**Sent:** 07 April 2015 13:23  
**To:** [REDACTED]  
**Subject:** RE: Clarification and correction

Dear [REDACTED]

Please excuse me, but in my desire to respond to you promptly this morning, I realised that I made a slight typo. In the first bullet point in my response, it should obviously read "I do **not** believe...".

I should also have noted in my response that, given your email to me was in relation to whether the Board ratified the decision or whether the board made the decision in the first place, and given the importance you place on this distinction and seemingly the importance you place upon the students' association's behaviour above all, that you will be cooperating fully with the SFC-instigated review of Glasgow Clyde College's governance.

I would be more than happy for you to bring this to their attention, alongside your views on all of the governance challenges faced by Glasgow Clyde College over the

last few months, and allow third parties to take a view as to whether this is the key governance issue facing Glasgow Clyde College.

Regards, [REDACTED]

[REDACTED]  
President & Chief Executive GCCSA

Phone: [REDACTED]  
E-mail: [REDACTED]  
Web: [Glasgow Clyde College](#)



From: [REDACTED]

Sent: 07 April 2015 08:18

To: [REDACTED]

Subject: RE: Clarification and correction

Importance: High

Thank you for attempting to correct the error in the submission you made to your Executive Committee. In my view, though, you have not fully corrected the misrepresentation. Remember you were told in no uncertain terms that the Board did not ratify the decision to suspend as such, but rather that we satisfied ourselves that [REDACTED] had followed the correct procedure when he decided to suspend. There is a significant difference between the two situations. As you have only partially clarified the position in your amendment I would ask you to look at that again and to ensure that a fully accurate correction is circulated.

You will have been left in no doubt that this was causing your fellow Board members not "confusion" but serious concern if not anger.

It was also pointed out to you that a correction now, whilst appreciated as a gesture, would not alter the fact that your Executive Committee passed a No Confidence Motion on a false premise.

[REDACTED]

In addition the motion goes on to say “ This decision is, however, only the latest in a series of instances in which the student voice and the Student Association has been marginalised, undermined and excluded in decision making. We do not believe that that this is an appropriate way to run a college”

It would be helpful if you would list the series of instances referred to or withdraw this statement from the motion.

I hope you will take every care to avoid a repeat.

[REDACTED]

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From: [REDACTED]

To: [REDACTED]

Subject: Clarification and correction

Date: Wed, 1 Apr 2015 08:39:50 +0000

Dear Board Members

As requested at the GCC board meeting of 26/3/2015 I have inserted the wording that was causing confusion to board members and hope this helps you understand the motion and its contents. The inserts are marked in red for clarity.

I have copied this mail to the relevant external parties that had received the original mail.

This is not a resubmission of the motion.

[REDACTED]

President & Chief Executive GCCSA

Phone: + [REDACTED]

E-mail: [REDACTED]

Web: [Glasgow Clyde College](#)



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[REDACTED]

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Scottish Funding Council  
Promoting further and higher education

Document 12

Comhairle Maoineachaidh na h-Alba  
A' brosnachadh foghlam adhartach agus àrd-ìre

20 April 2015

[REDACTED]  
Chair of the Board of Management  
Glasgow Clyde College  
Cardonald Campus  
Mosspark Drive  
GLASGOW G52 3AY

Dear [REDACTED]

I am writing to follow up on some of the things we discussed when I attended your Board meeting on Monday.

Firstly, can I thank you and your Board for the useful discussion we had on the issues of both the review that the SFC is carrying out and on student representation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I am sorry we were not able to speak on the telephone when you wanted to discuss the publication of the initial feedback from your staff survey. As I indicated in response to your initial letter on this subject, I would prefer to see the whole report before commenting. I would be very happy to take up your invitation to attend the Board meeting that discusses the report. I do not understand why you are so keen to publish these statistics before the report is complete or before the Board has considered the matter.

Finally, could I repeat the three things I asked at the end of the meeting -- some of which I have amplified above. I asked that you:

- Tell us what the Board is going to do to facilitate the continuing success of the students association once it has taken a decision by correspondence.
- Allow the SFC review to proceed as rapidly as possible.
- [REDACTED]

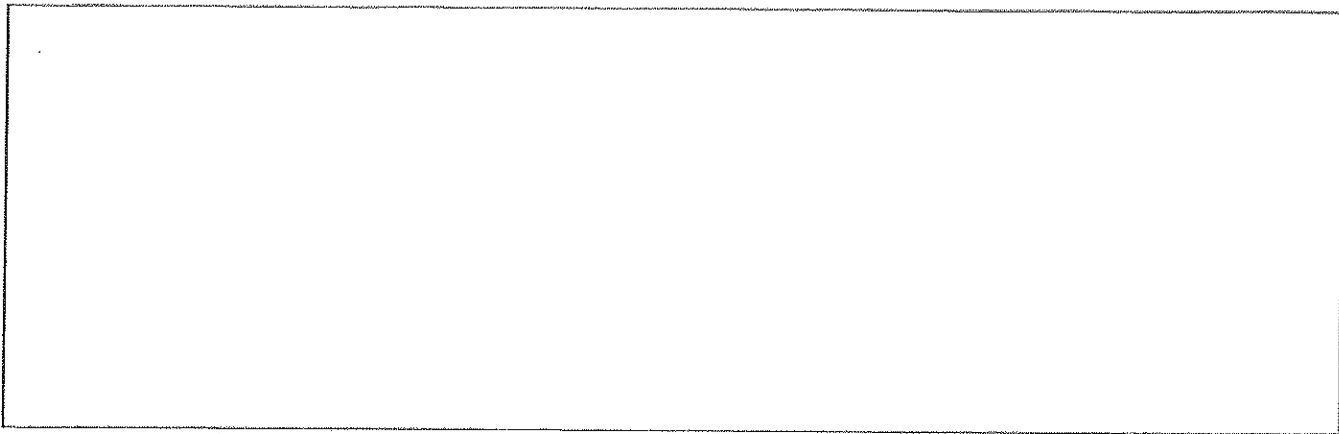
I appreciate that you are away for a few days at the moment and am happy to have a response later this week.

Yours sincerely



**Laurence Howells**  
Chief Executive

cc    **Members of the Board of Management of Glasgow Clyde College**  
      **The Rt Hon Henry McLeish, Chair, Glasgow Colleges' Regional Board**  
      ██████████ **Brodies LLP**



Document 13

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[REDACTED]

Dear Cabinet Secretary,

As part of your meeting with Glasgow Clyde Students' Association president, [REDACTED] next week, we wanted to write to you, as the full Glasgow Clyde College Students' Association executive team, setting out our collective position on the situation we have seen develop at Glasgow Clyde College over the last few months.

We should first begin with a thank you. The level of support and action we have seen from the Scottish Government, and the wider sector and its agencies, on the need to strengthen and improve college student representation is to be warmly welcomed. The original review of college governance undertaken by Professor Griggs; the legislative protections given to student representation through the Post 16 Education (Scotland) Act; and the unambiguous endorsement of strong student representation, and the defined role of student representatives and students' associations in the Code of Good Governance for Scottish Colleges—the last few years have seen college student representation go from strength to strength, thanks to the hard work of students across Scotland, and the huge levels of support and will to achieve it all from Scottish Government and Scottish Funding Council.

However, it is those same improvements, and hard fought wins, which are now at risk of being, if not already, hugely undermined and put at risk as a result of the ongoing situation we are seeing. The no-confidence that we hold in the current chair of Glasgow Clyde College board is not the result of undue or flippant worries, but rather as the result of a grave and genuine undermining of student representatives, and the concept of student representation as a whole.

We believe that the way student representatives, but in the main [REDACTED] and our vice-president [REDACTED] have been treated during this process has been nothing short of shocking. They have been subject to personal attacks and belittlement, and are now at a point of being outright ignored on genuine issues they have raised, and which deserve due attention, engagement and response. On more than one occasion they have been brought to the point of tears as a result of their treatment, something no student or board member should have to suffer.

We know that [REDACTED] will be able and willing to share more specific examples of such behaviour at their meeting, and we hope you recognise the serious nature of these. On more than one occasion student board members have raised genuine issues of concern—which have the potential to leave them vulnerable, as a result of their collective responsibility as board members—and received no response. On more than one occasion they have been subject to highly personalised, and inaccurate, letters from the chair of the Board and other senior board members, with little or no right of reply.

As you may be aware, at the recent NUS Scotland Awards, which are held annually to recognise and reward the achievements of students across Scotland, the prestigious award of 'College Students' Association of the Year' was won by Glasgow Clyde College Students' Association. This was a fantastic achievement for our students, and one that we were so proud of and humbled by. Students should be proud of the students' association we have built up at Clyde, and we would expect that they would want to stand for election to continue those successes even more in future years. However, as things stand, we wanted to write and inform you that let none of us are willing to stand for election as sabbatical officers due to our concern regarding the GCC board.

We have taken a collective decision that we simply could not in all good faith stand to be sabbaticals in a college students' association that is recognised as the best in Scotland while ██████████ remains as chair of the board, given the behaviour and actions we have seen to date. It is not a decisions we have taken by any means lightly, but one we must take. We have real concerns that the way the board is operating means members are taking on collective responsibility for decisions that they have little say, in or understanding of. As students who simply want to do best by the student body, and given the amazing achievements we have secured on student representation, we should feel excited about standing for election and taking up our place on local and regional boards that goes with that. However, under the current leadership, we are instead nervous and worried about the risks, upset and degrading behaviour we have seen that bring to our current sabbatical officers, and have little faith in things getting better.

Perhaps even more worryingly, both we and the college have received letters from students and parents stating in no uncertain terms that they (or their children) will not be taking up offers at Glasgow Clyde next year, due to the reputational hit we have taken during this time. Glasgow Clyde, in common with all the colleges in Glasgow, and further afield, cater for students located in some of the most deprived communities in Scotland. These are the students who deserve a college place the most, and we should be reaching out to the most. But it is these students who are worried about accepting a place here, and that is quite simply heart breaking. The ongoing, almost weekly, revelations in "The Herald" are putting people off and are, quite frankly, raising more questions on governance, than there are answers.

To conclude, we would once again like to thank you for all the support you, and the Scottish Government, have shown for student representation. We have achieved a phenomenal amount over the last few to build up the strongest possible sector, and deliver the highest levels of representation that college students deserve. But as long as this current situation continues, all the great successes we have seen could be put at an equally great risk, something that none of us want to see.

We would like to thank you for the time you have given to hear our concerns, and hope that we can all collectively move forward in a positive way, ensuring we do everything we can to deliver the college sector, and representation, our students deserve.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

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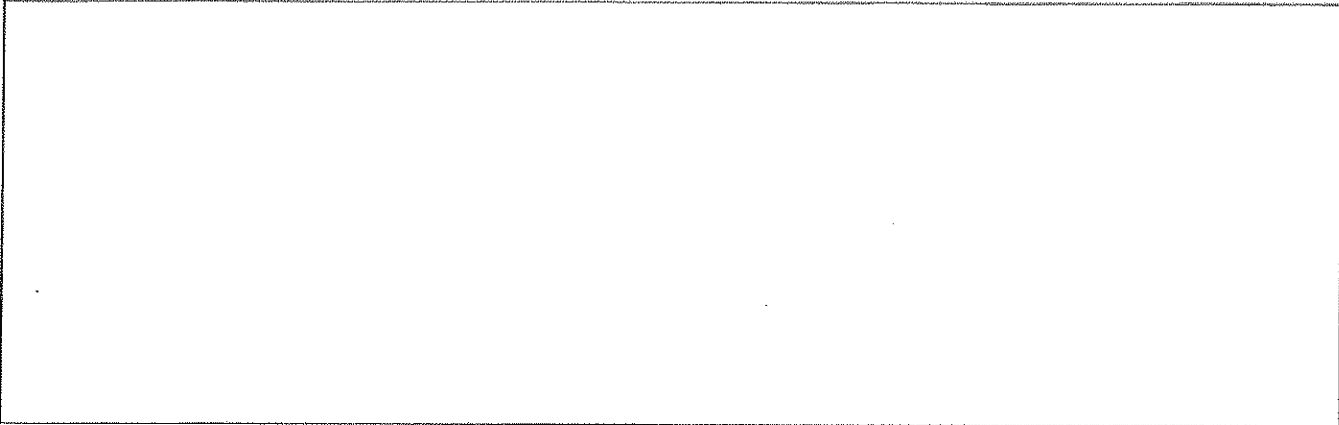
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**From:** [REDACTED]  
**Sent:** Friday, May 15, 2015 09:51 AM  
**To:** Laurence Howells; John Kemp  
**Subject:** FW: Class Rep Letter - 15 May 2015

Document 15

FYI  
[REDACTED]  
President & Chief Executive GCCSA

Phone: [REDACTED]  
E-mail: [REDACTED]  
Web: [Glasgow Clyde College](http://Glasgow Clyde College)



**From:** [REDACTED]  
**Sent:** 15 May 2015 09:40  
**To:** [REDACTED]  
**Subject:** Class Rep Letter - 15 May 2015

[REDACTED]

Please find attached document, I am really sorry to have to send this.

[REDACTED]  
*NC Medical Administration  
Glasgow Clyde College  
Langside Campus*

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Hi [REDACTED]

Further to serious issues that were raised at the recent class rep meetings this week, the feedback received from other class reps is that some students and their families are now questioning the future of Glasgow Clyde and are now seeking to continue their education at different establishments due to the unrest and unreliability of the situation here at Glasgow Clyde College, they have just lost faith. My own son has been offered a place at both Glasgow Clyde and South Lanarkshire and I am sorry to say, I have encouraged him to go to South Lanarkshire as I do not have much confidence in Glasgow Clyde College.

I am really sorry to send this to you as yourself and [REDACTED] have done a fantastic job at motivating and interacting with class reps and the wider student body this year and I have really enjoyed my time as a rep this year. You have both given me more confidence, both in my course work and at rep meetings, especially the meeting with the Senior Lecturers the heads of the different departments regarding the Mary Stuart Building (from which was extremely successful in the facilities requested being put into place).

I was hoping this year to run for President of the GCCSA but after the way I have seen and heard the treatment the student association reps and the dismissal of the student views by the chair of the Board I am now in two minds whether to do this or not unless there is a major change in the running of the College.

I really do wish you both could stay on as President and Vice President but I know this is not possible. I just hope the next elected are as fantastic as you both have been.

Kind regards

[REDACTED]

29 May 2015



Aileen McKechnie  
Director of Advanced Learning & Science  
Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
GLASGOW  
G2 8LU

Dear Aileen.

Thank you for your letter of 22 May 2015.

The Board too appreciated the opportunity to have a discussion with you, Professor Alice Brown and [REDACTED] about current issues. It would be helpful for us to receive a copy of your verbal presentation so I can circulate it electronically to all our Board Members.

However, I am, and I am certain most of my Board will be, concerned to hear that after our meeting you are not able to give the reassurances required to Ministers. You mention in your last paragraph that you can't reassure Ministers on (1) the due process currently underway regarding the Principal and (2) the College's compliance with the new Code of Good Governance. I am disappointed that you did not specifically highlight these two areas at the meeting and the reassurances you would require from the College Board.

From your presentation we noted that Ministers are impatient for a resolution. As Chair, I firmly believe, I and the Board have acted properly throughout, but there is a due process to be followed and this is taking time. All this has been compounded by the related SFC governance review by DLA Piper and the SFC financial review on legal costs. The pressure on all the volunteer members of the Board of Management at GCC has been heavy and whatever the ultimate outcome, there are wider issues affecting all College Boards and Board Chairs in Scotland.

I trust you will relay to Ministers our concerns and I await to hear from you on any conclusions.

Yours sincerely

[REDACTED]

Chair of the Board of Management

*Susan H Walsh - Principal and CEO*

CARDONALD CAMPUS

Mossspark Drive Tel: +44 (0)141272 9000 Email: [info@glasgowclyde.ac.uk](mailto:info@glasgowclyde.ac.uk)  
Glasgow G52 3AY Fax: +44 (0)141272 3444 Web: [glasgowclyde.ac.uk](http://glasgowclyde.ac.uk)



Advanced Learning and Science Directorate  
Aileen McKechnie, Director

T: 0300 244 1264  
E: directorofadvancedlearningandscience@scotland.gsi.gov.uk



[REDACTED]  
Chair  
Glasgow Clyde College  
Cardonald Campus  
690 Mosspark Drive  
Glasgow  
G52 3AY



22 May 2015

Dear [REDACTED]

Thank you for inviting me, Alice Brown and [REDACTED], to the meeting of the Board of Management of Glasgow Clyde College on 19 May as representatives, respectively, of the Scottish Government, the Scottish Funding Council (SFC) and the Glasgow Colleges' Regional Board (GCRB).

I appreciated the opportunity to speak to you and your board colleagues about the Government's programme of reform in the context of (a) the live difficulties in the college's relationship with the Scottish Funding Council (SFC), which is proving challenging to all of us, including to Ministers; and (b) the due process which supports the disciplinary action currently in train. I thought it was a useful occasion for board members to articulate their views on the current situation. Equally, it provided an opportunity for me to share the expectations of Scottish Ministers.

I remain, however, unable to offer full assurances to Ministers about both the due process in train and about the college's compliance with the Code of Good Governance for Scotland's Colleges in relation to the specific areas which we discussed at the meeting. I shall, therefore, discuss matters further with Ministers next week and will write again after that discussion to let you know of any conclusion reached.

Yours sincerely

**AILEEN McKECHNIE**  
Director of Advanced Learning and Science

File 41(1)

Document 1  
Timeline of Events

Annex B  
Delays in Progressing Glasgow Clyde College Students Association Structure  
11/05/2015

Date	Event
5th December 2014	Emailed chair (●) to ask if he would defer our proposal to the OD committee as our exec team had not agreed the structure as yet.
7th December 2014	The chair said this was fine, OD committee was on 12th Feb.
12th February 2015	The Principal got in touch with me to say the chair had been on the phone to say he did not want our proposal to go to OD as he knew nothing about it. I agreed to postpone but was not happy with this and told the chair as much. In an email I sent to him with the proposal attached. He said he would get legal advice and get back to me.
16th March 2015	I got an email from [redacted] ask if I would be taking our proposal to the board meeting of 26th March which I did.
26th March 2015	[redacted] from Simpson and Marwick then advised our board regarding the proposal and constitutional problems there could be. [redacted] then stated she did not fully understand what was being asked of the SA but if the chair through the secretary could clarify what the SA had to do she would work with the SA to achieve this. It was then suggested by the chair that we done this and brought it back to the next board meeting. We then stated that it was imperative that we had this proposal agreed as quick as possible as we had to run elections etc. It was suggested by [redacted] that we could make the changes asked and send out via email for approval of the board and this was agreed.
30th March 2015	I contacted [redacted] to ask if she had received the information required, she advised she had not and would email again and ask.
7th April 2015	I contacted [redacted] again to ask if she had received info, she had not and emailed [redacted] again.

Delays in Progressing Glasgow Clyde College Students Association Structure -- [redacted] Timeline of Events

11/05/2015

8th April 2015	[redacted] sent back excerpt of minute and we started working on what was required by the board.
16th April 2015	We passed back all info required to [redacted] and she sent this out to all board members at 3:03pm. At 3:59pm [redacted] sent back the legal advice he received from Brodies on 25th March, this was our first sight of this.
17th April 2015	We amended the proposal further to suit the legal advice from Brodies and sent out to all board members.
25th April 2015	After much email correspondence it was suggested by [redacted] to hold an EGM to discuss proposal.
28th April 2015	EGM proposal passed with caveats one being that Brodies would write to SFC with a caveat of governance procedure (I take it you have this letter now?)
11th May 2015	I believe the SFC have still not received this letter?

[Faint, illegible text, possibly bleed-through from the reverse side of the page]



Scottish Funding Council

Promoting further and higher education

Comhairle Maoineachaidh na h-Alba

A' brosnachadh foghlam adhartach agus àrd-ìre

24 August 2015

[REDACTED]  
Chair

Glasgow Clyde College  
Cardonald Campus  
690 Mosspark Drive  
GLASGOW G52 3AY

*Jean* [REDACTED]

I am aware that the suspension of the Principal of Glasgow Clyde College has now gone on for six months and that this must be putting the College Senior Management Team under considerable pressure and potentially putting the College at significant strategic and operational risk. In addition, the College has no one formally appointed to take on the role of Accountable Officer, a situation that really must not be allowed to continue any longer.

In the past, SFC has assisted colleges in these difficult situations by helping them to source an interim Principal. For example, we recently used our contacts with the Association of Colleges to identify a very well qualified person who very successfully took on the role of interim Principal for 9 months in another college in Scotland. We would wish to offer such assistance in the case of Glasgow Clyde College.

I would therefore propose that you, I and my Chief Executive, Laurence Howells, meet to discuss this possibility and hopefully agree a way forward. I will ask my office to contact you to look for a suitable date.

Yours sincerely

**Professor Alice Brown**  
Chair

# Fw: Letter from GCRB to Scottish Government

[REDACTED]  
Fri 17/07/2015 16:27

To: [REDACTED]

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**From:** [REDACTED]

**Sent:** 17 July 2015 16:25

**To:** [REDACTED]; [REDACTED]

**Cc:** [REDACTED]

**Subject:** Letter from GCRB to Scottish Government

Dear board members of GCRB,

Please see below a message from [REDACTED]

Kind regards,

[REDACTED]  
[REDACTED] Glasgow Colleges' Regional Board

t: [REDACTED] | m: [REDACTED] | e: [REDACTED]

Dear board colleagues,

Three members of the board have written to me expressing concerns in relation to the recently circulated letter from GCRB to Scottish Government. I felt it was most appropriate to clarify the position to all board members; given the need for a shared understanding of our position, the awareness that other colleagues may have been copied in anyway and the fact that I am travelling without regular contact to email (indeed not even phone reception for much of the last 48 hours).

For those not party to the correspondence, the concerns can broadly be summarised in order of apparent importance to those writing under the following three headings:

- A failure to specifically reject the recommendation in the SFC report for Government to consider the removal of the Chair of GCC
- Insufficient emphasis given to the strength of concerns around the quality of the evidence in the reports and the mismatch between DLA Piper investigation and SFC findings / recommendations.
- A demand for a 'right to reply' in the perceived 'allegations' against GCRB.



As members will recall, I opened the meeting by outlining what our active legal locus in relation to this matter is and what further powers/ responsibilities we would have if the GCRB were already a fully functional operational body. In response to queries, Martin had also in advance circulated a clear definition from the Government of: its expectations of the GCRB; and the limits of GCRB's powers in relation to the statutory review that SFC has undertaken of GCC and the process of ministerial decision of which that is a part. I further highlighted the specific areas the Government is considering and reminded members that these reports are only a part of the information the Government is examining.

The papers were presented to the Board to enable GCRB to be kept informed and to be sighted on how this might affect GCRB. We were not provided with other material from Government or elsewhere; nor did we in the meeting have the information or type of discussion that would enable any board to reach a fully analysed and evidenced final conclusion on this matter. Indeed most members commented that there was simply insufficient information for a fixed view to be formed.

I would also remind members that while I fully recognise there were some who extensively expressed very strong opinions, there were also some who said very little, a minority that felt quite differently and a number who did not support or express any opinion on one or more of the areas of concern outlined above.

I do understand that as individuals we will all have our personal views on what are certainly very sensitive, and risk being very emotional and personalised. issues. However, I am also clear that while the GCRB has a role in helping ensure ministers are sighted on concerns, it had no locus as a body to intervene, respond to or reject the specific findings and recommendations that ministers are considering. The report and recommendations are not to GCRB, they are to Scottish Government. I requested that the Board had sight of them to inform our strategic understanding of current /future implications for GCRB.

To conclude, I can only go back to our board meeting of 1st June, where I outlined the specific tasks that I had been set as Interim Chair of GCRB. The Cabinet Secretary reaffirmed that I am her personal appointee, that I have been given a particular role to deliver and that I am directly accountable to her. I would remind colleagues that top of the list of tasks was to get GCRB to the stage where it can operate as a fully functional fundable body. Key to that was: refocusing the board on its core business of the strategic development and oversight of a regional programme of further and higher education; and ensuring the board has a clear understanding of its role and locus in relation to other bodies and it's assigned colleges, along with the systems of governance to properly fulfil that. We are also specifically expected to rebuild relationships with key partners such as students, government and the SFC.

Taking all of the above factors into account, I believe that within the governance and legal locus of GCRB, the letter provides Government with relevant, appropriate and measured feedback from our meeting of 13th July. I have taken into account the board's wish to be seen as 'part of the solution rather than part of the problem', I have reflected the Cabinet Secretary's expectations of me in the terms of my appointment, and I have recognised the need to allow 'due process' to unfold in relation to Ministerial consideration of a range of information relating to GCC and its board.

I am very sensitive to the strength of some members' feelings on this matter, and to ensure we can move forward collectively with absolute clarity, I have also now asked Scottish Government for further advice on the GCRB legal locus in relation to these specific areas, which I will provide to colleagues on receipt.

Kind regards

[REDACTED]

Our Ref: GC/MW

20 March 2015

[REDACTED]  
[REDACTED]  
Glasgow Clyde Student Association  
Cardonald Campus  
690 Mosspark Drive  
GLASGOW  
G52 3AY

Dear [REDACTED]

It is with much regret I have to write to you.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
LANGSIDE CAMPUS  
50 Prospecthill Road Tel: +44 (0)141 272 9000 Email: [info@glasgowclyde.ac.uk](mailto:info@glasgowclyde.ac.uk)  
Glasgow G42 9LB Fax: +44 (0)141 272 3633 Web: [glasgowclyde.ac.uk](http://glasgowclyde.ac.uk)



The decision to suspend the Principal was taken by me on 19 February 2015, in consultation with my Vice Chair but within my powers as Chair of the Board of Management. I called an Extraordinary Board meeting on Monday 23 February 2015 to inform the Board of that decision. The Board ratified the process and procedures I had followed to suspend and on my recommendation approved the setting up of an independent investigatory review into the circumstances of the suspension. I am a witness to that review and you will appreciate I cannot comment further on this matter without prejudicing the review process, currently on-going.

The point at issue with you, [REDACTED] and the Student Association is whether or not you should have been asked to leave the extraordinary Board meeting dealing with this matter. You have been a College Board Member for almost two years and I would have thought that you would be knowledgeable of the College's Constitution. It is clear in Paragraph 15.3 that students on the Board are excluded from voting on certain staff matters, including the suspension of a member of staff. At no time did you raise with the other Board members and seek their support for you and [REDACTED] to stay for the discussion (an option under Paragraph 15.3). [REDACTED]

[REDACTED] When you both came back into the meeting you were involved with the other Board members in what would be said in the press statement.

At the 23 February 2015 Board meeting, you never mentioned the new Code of Good Governance for Scotland's Colleges, an issue highlighted in the Student Association's "no confidence" motion and in the NUS Scotland press releases and approaches to MSPs. The Code of Good Governance, as you know, was only finally published in December 2014, after two detailed consultations across the sector. But the promised "supplementary guidance" which will "embed and operationalise" the principles in the Code - and referred to in the Forward of the new Code - have, as yet, not been published. Glasgow Clyde College, along with all other colleges in Scotland, will have to review their Constitution in the light of the new Code and the promised guidelines and consider whether or not their Constitution requires amending. The new Code is on the Board's agenda on Thursday, the first opportunity since its publication. The 2013 Constitution for the College is our current binding legislative document.

[REDACTED]

I look forward to hearing from you.

Yours sincerely

[REDACTED]

[REDACTED]  
Chairman



Scottish Funding Council

Promoting further and higher education

Our ref: 243939059

30 June 2015

Aileen McKechnie

Director of Advanced Learning and Science Directorate

Scottish Government

Atlantic Quay

150 Broomielaw

Glasgow G2 8LU

Comhairle Maoineachaidh na h-Alba

A' brosnachadh foghlam adhartach agus àrd-ìre

Dear Aileen

### Quality assurance of college governance and management

Thank you for your letter of 3 June 2015 in which you seek assurances from the SFC about the standards of governance and management in the college sector. As requested, I have set out our interim response below, which draws on contributions from [REDACTED], Chair of Colleges Scotland and [REDACTED], Chief Executive of CDN.

The context for your letter is the concerns raised about governance at the Glasgow Colleges Regional Board and Glasgow Clyde College Board. In both cases the issues are complex and, to a significant extent, reflect on governance weaknesses which are behavioural rather than relating to systems and processes. In both, there are also complex issues relating to relationships between the key parties (SFC, the two boards and the Scottish Government). In our experience it is behavioural difficulties that are found to be the root cause in cases of governance failure. As we know, these conditions are hard to detect early and responding quickly and effectively can, based on recent experience, be very challenging.

I believe that key to improving governance standards across the sector is improving the robustness of self-regulation, part of which is building on the learning from examples of poor practice. In this regard the focus being given by Colleges Scotland through its Good Governance Steering Group, which is chaired by [REDACTED], is an important development. The College Development Network, as the sector's training and development agency, also has an important role in supporting this development and sector governance generally.

Turning now to your specific questions.

## **Roles and responsibilities**

### ***Scottish Government***

The Scottish Government has responsibility for appointment of regional Chairs; appointments are made using the public appointments process. Chairs' performance is appraised annually by the Scottish Government. The Regional Strategic Body is responsible for the appointment of chairs of assigned colleges.

The Scottish Government has issued comprehensive guidance on the appointment of independent Board members. Boards are expected to have regard to this guidance in making any appointments.

Ministers have powers to remove any or all Board members if there is evidence of mismanagement or if SFC advises Ministers of non-compliance with the criteria set out in section 7(2) of the Further and Higher Education (Scotland) Act 2005.

### ***Scottish Funding Council***

Compliance with the Code of Good Governance is enshrined in the Financial Memorandum (FM) between the Council and colleges/Regional Strategic Bodies (RSBs). Compliance with the FM is a condition of funding.

SFC carries out an annual assessment of colleges against the FM and the section 7(2) criteria. As part of the Annual Governance Statement for the SFC, incorporated colleges are required to complete a supporting certificate of assurance. We are also able to carry out a review of assigned colleges under section 7C(7) of the 2005 Act whenever we consider appropriate. It is under this section that we have carried out a focussed review of governance at Glasgow Clyde College.

SFC has the power to attend a Board meeting and address the Board of any fundable body if the Council is concerned about its governance and management. We have used this power on several occasions. Currently this power captures assigned colleges, although these colleges will not be fundable bodies in the longer term.

### ***Colleges Scotland***

The Board of Colleges Scotland comprises the thirteen regional chairs. The Code of Good Governance was developed by the Code of Good Governance Steering Group, chaired by Hugh Hall. The steering group has produced a Guide for College Board Members to accompany the Code, and will also be producing further detailed guidance on specific aspects of governance, such as severance. The SFC is closely involved in this work.

### ***College Development Network (CDN)***

CDN provides a range of training and development opportunities for Board members. These include events open to all Board members and also bespoke training and development for individual college Boards.

The recent CDN Board member event in Edinburgh on 16 June offered a broad range of workshops. CDN is planning to launch a programme of sector wide training events in the autumn. The programme will be informed by engagement with Board members to identify training needs.

SFC will work with CDN to ensure that appropriate training and development opportunities are available for Board members.

CDN supports a range of sector network groups including 'secretaries to the board'. Board secretaries have a key role in setting the framework for good governance and we will work with this group, CDN and the Good Governance Steering Group to improve the effectiveness of the secretary role in practice. It should be noted that the secretaries group made an excellent contribution to the development of the Good Governance Code.

### ***Board composition***

The effectiveness of a board will be impaired if its composition is wrong. It is important that Boards membership is diverse so that different perspectives are brought to their work, and so they operate as role models for their communities. In addition ensuring an appropriate balance of skills, independence and knowledge of the sector/college is vital as is the fact that board members understand, and are confident in discharging, their challenge role. Importantly, the challenge role requires board members to challenge each other and the chair should actively encourage this behaviour.

The Code of Good Governance sets out the importance of an appropriately balanced board, but perhaps could go further in terms of how to ensure behaviours and relationships operate to the highest standards. We will discuss with the Good Governance Steering Group how its review of the Code might address this important issue.

### ***SFC's monitoring and quality assurance processes***

SFC carries out an annual assessment of colleges' governance as part of its review of colleges' annual accounts and supporting documents. This review includes examining external and internal auditors' reports, and the accounts themselves. This annual review provides assurance that colleges are complying with the section 7(2) criteria and the FM.

Each region has an assigned Outcome Agreement Manager (OAM), who is the primary point of contact in relation to the negotiation of and monitoring of delivery of the Regional Outcome Agreement. The OAM is in regular contact with colleges and RSBs.

Additionally, under the FM with the bodies SFC funds, the Chief Executive of the college or RSB is required to inform SFC's Chief Executive immediately of any circumstances that might affect delivery of the Outcome Agreement or if there is a serious breach of the FM. This requirement would extend to any significant governance issue.

### ***Assurances on compliance with the Code of Good Governance***

The Code sets out the key principles of good governance. Colleges are required to include a statement of compliance with the Code in their annual financial statements (in the Corporate Governance Statement); this will happen for the first time in the 2014-15 accounts.

External auditors, as part of the annual audit, will review the Corporate Governance Statement to ensure that this is consistent with their understanding of governance arrangements.

It is important that compliance with the Code is evidence based and we will work with the Good Governance Steering Group to establish an effective means of achieving this. It should be noted that there is a commitment to undertake a one year on review of the Code.

### ***Quality improvement***

SFC will continue to ensure that any significant issues or challenges identified are communicated to the sector. The guidance that SFC will shortly issue on severance is an example of this. The Council will also work to put appropriate support in place to assist the sector in addressing such challenges. This may take the form of SFC guidance, or SFC may work with CDN to deliver the required training and development activities.

### ***RSB performance monitoring***

The Post-16 Education (Scotland) Act 2013 created the three RSBs. SFC is carrying out an assessment of the governance structures and processes of these three bodies to ensure that they are robust and appropriate in relation to the RSBs' regional responsibilities. For each RSB, a good governance checklist is being completed which captures the key aspects of governance, and the evidence used to make our assessment of each. That evidence includes reviewing governance-related

documentation, observation of a Board meeting and interviewing Board members. When we are satisfied that appropriate structures and processes are in place, funding for the region will transfer to the RSB. This has already taken place in the case of the University of the Highlands and Islands; the University has been receiving funding since April 2015. I have enclosed a copy of our completed assessment for the University of the Highlands and Islands; I will provide you with copies of our assessments for the other two RSBs once they are completed.

Once funding has been transferred, RSBs will be subject to SFC's normal monitoring processes that are used to assess all fundable bodies. This will include monitoring of delivery of the Regional Outcome Agreement, financial sustainability (both of the RSB, and its assigned colleges), and governance. I have already described how SFC would gain assurance in relation to the quality of governance. However, recognising the unique role of RSBs and the terms of section 13A, the SFC will consider how its routine monitoring might be developed to ensure more tailored oversight/assessment of RSBs.

#### ***Compliance with SFC terms and conditions of grant***

It is a condition of SFC funding that colleges and RSBs comply with SFC's FM, which includes a requirement that they adhere to the principles set out in the Code of Good Governance. I have already described the framework that we use to monitor compliance in relation to the bodies SFC funds directly.

#### ***FM between assigned colleges and RSBs***

Under the SFC FM, RSBs are required to put in place a FM with their assigned colleges. SFC has provided the RSBs with a template, based on SFC's FM and reflecting the same accountabilities, which they will tailor to suit the particular governance arrangements in their regions. The final version of the regional FM is subject to SFC's approval. I would expect these FMs to be in place soon.

#### ***Action plan***

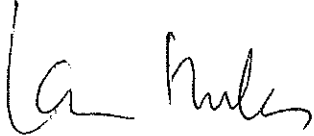
As outlined in this letter, there are a number of key activities in train or under development and working with our partners we are pulling these together into an action plan to improve governance across the sector. We will complete the action plan by 31 July and share it with you at that stage.



---

I hope the above provides sufficient by way of an interim response, but please let me know if more is needed at this stage.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Laurence Howells', written in a cursive style.

**Laurence Howells**  
Chief Executive



Scottish Funding Council

Promoting further and higher education

Comhairle Maoineachaidh na h-Alba

A' brosnachadh foghlam adhartach agus àrd-ìre

Aileen McKechnie  
Director of Advanced Learning and Science  
Scottish Government  
5 Atlantic Quay  
Broomielaw  
Glasgow G2 8LU

28 August 2015

*Dear Aileen*

**Glasgow Clyde College**

I am writing, in my role as Accountable Officer for the Scottish Funding Council (SFC), to draw your attention to serious concerns in relation to spend on legal services incurred by Glasgow Clyde College and a breach of the Financial Memorandum between the College and SFC. The legal costs relate to the suspension of the College Principal and related disciplinary process as well as the Board responses to the SFC Review and associated requests for information from the Scottish Government.

The legal expenses incurred to date are very high, in the region of [REDACTED] and, at a time of very tight budgets, this is clearly a serious concern. In addition, the College has exceeded the limit, without SFC's prior approval, that had been agreed in relation to expenditure on legal services (albeit by a small amount). This raises concerns about the College's arrangements for control and authorisation of expenditure.

You should be aware that we are currently considering our options for action in relation to this breach of the Financial Memorandum. It is particularly concerning that the College has spent or committed a substantial amount of public money to seek legal advice in challenging requests for information from another public body (SFC) and the Scottish Government. Clearly, this offers very poor value for money and is also at odds with the Scottish Public Finance Manual in relation to the principles of Best Value and sound financial management. It is also difficult to understand why the Board consider such advice is necessary.

Please note that we have contacted the College's Deputy Principal for clarification on the costs incurred to date. We have also made it clear that SFC prior approval for further spend is essential.

---

Finally, you should note that there is currently no apparent resolution to the progress of the disciplinary procedure. Our endeavours to obtain a copy of the internal audit report on the procurement of Simpson & Marwick are also continuing.

Please do not hesitate to contact me if you have any questions in relation to the foregoing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Laurence Howells', written in a cursive style.

**Laurence Howells**  
Chief Executive

From: [REDACTED]  
Sent: 10 August 2015 17:25:25  
To: scottish.ministers@scotland.gsi.gov.uk  
Subject: FAO. Of Minister for Education and Lifelong Learning

Attachments: personal letter to AC 10.08.15.doc

Please see attached a letter for Ms Constance in her ministerial capacity seeking a meeting with her on issues relating to Glasgow Clyde College and the wider Glasgow Colleges Region.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

LogoColorTextBelow.jpg

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\*\*\*\*\*

10 August 2015 (By e-mail)

[REDACTED]  
[REDACTED]  
Tel. [REDACTED]  
Mob. [REDACTED]  
[REDACTED]

Ms Angela Constance  
Cabinet Secretary for Education and Lifelong Learning  
St. Andrew's House, Regent Road,  
Edinburgh, EH1 3DG

Dear Ms Constance,

I write to you privately in my capacity as your appointee to the role of Interim Chair of Glasgow Colleges' Regional Board, although I am not writing on behalf of the Board.

I have significant concerns that the wider implications and knock-on effects of the ongoing situation at Glasgow Clyde College are already seriously comprising my ability to deliver both the specific and general expectations that you have detailed in my letter of appointment to GCRB. I am also very mindful of the potential further impact that any Government action, or indeed inaction in this area, may have moving forwards.

I have given considerable thought to the current and future risks associated with this situation and their likelihood of impacting on the key tasks facing GCRB organisationally as well as those critical relationships that it needs to rebuild.

As a result, I fear that far from being contained within the Board of Glasgow Clyde College, the way this situation develops could lead to: direct and negative ramifications for students and staff (both at Clyde and elsewhere in the City), further damage to working relationships with key stakeholders and other assigned colleges, questions around GCRB's own governance, and additional financial and reputational loss for the Glasgow region. More specifically, I'm concerned about how this might relate to GCRB's future status and activities as a fully operational fundable body – a status that I am seeking to achieve promptly as per my objectives in this role.

While recognising my limited formal locus at this stage, I am keen to take a proactive approach and as such have already had a helpful initial discussion around these areas with Aileen McKechnie. I would welcome an early opportunity to share my concerns with yourself and explain some of the background thinking and scenario analysis that has prompted me to write directly to you with them.

Yours sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## FW: Urgent - Recent Letter

[REDACTED]  
Fri 17/07/2015 08:40

To: [REDACTED]

Sent from my Sony Xperia Z1 Compact on O2

----- Original Message -----

Subject: FW: Urgent - Recent Letter

Sent: 16 Jul 2015 18:01

From: [REDACTED]

To: [REDACTED]

Cc:

●  
Thank you for the copy of the letter that you sent yesterday following the Board Meeting on Monday.

I think that the tone was nice and measured and that you got across most of the comments in a non emotional way, and made some key points.

However, critically, there is one aspect of our discussion which is missing from the letter, and I think it is a clear omission, and it is the fact of the "disproportionate" nature of the recommended remedy, i.e. the request for the removal of the Chair of Clyde. A large part of our discussion centred on this and many members of the Board commented that this was "disproportionate" and not founded given the two reports we had access to when reviewing the situation.

Additionally, the letter did not cover the possible dangers of removing the Chair when a Disciplinary Process is on-going, compromising needlessly the process itself, which most felt should run to its conclusion, and it did not cover our feeling that there is also a high risk of reputational damage that could result from this in terms of how it could be, and indeed, is likely to be perceived.

As I said above, I believe I am not the only member of the Board who feels this way and wonder what we can do to rectify this omission and get this across to Ministers in time for them to consider it along with their other deliberations. I feel that they will not have the full information and the complete view of the opinion of the Board without this additional information.

I did not appreciate that you had come back from your holiday for the meeting last Monday, and I am very grateful to you for doing that, and I am aware that you are now on leave, but given the timescales that we discussed on Monday, and given the seriousness of the situation, I do feel something needs to be done as a matter of urgency.

I look forward to hearing from you and have copied [REDACTED] so that she can contact you should you not be on e-mail at the moment.

Regards

[REDACTED]

## FW: Urgent - Recent Letter

[REDACTED]

Fri 17/07/2015 08:40

To: [REDACTED]

Sent from my Sony Xperia Z1 Compact on O2

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Additionally, the letter did not cover the possible dangers of removing the Chair when a Disciplinary Process is on-going, compromising needlessly the process itself, which most felt should run to its conclusion, and it did not cover our feeling that there is also a high risk of reputational damage that could result from this in terms of how it could be, and indeed, is likely to be perceived.

As I said above, I believe I am not the only member of the Board who feels this way and wonder what we can do to rectify this omission and get this across to Ministers in time for them to consider it along with their other deliberations. I feel that they will not have the full information and the complete view of the opinion of the Board without this additional information.

I did not appreciate that you had come back from your holiday for the meeting last Monday, and I am very grateful to you for doing that, and I am aware that you are now on leave, but given the timescales that we discussed on Monday, and given the seriousness of the situation, I do feel something needs to be done as a matter of urgency.

I look forward to hearing from you and have copied [REDACTED] so that she can contact you should you not be on e-mail at the moment.

Regards

[REDACTED]

## FW: Letter to Scottish Government

[REDACTED]

Fri 17/07/2015 15:17

To: [REDACTED]

Dear [REDACTED]

My apologies for the delay to your email of Wednesday evening. It actually arrived when I came into phone signal yesterday. I had drafted a response to send to [REDACTED] for distribution to all board members recognising that others may be aware of your concerns. I discovered this morning when trying to ring her that [REDACTED] was on leave today.

I have subsequently sent my response to [REDACTED] to forward as he has both WiFi and pc access, while at present I'm lucky when I can get a signal. Given your quick decision to extend your concerns to all board members and seek their support I hope you could also forward this individual response to colleagues so that they receive it as they receive your note. [REDACTED] hoped to be able to send the more definitive response out this afternoon.

Kind regards

[REDACTED]

Sent from my Sony Xperia Z1 Compact on O2

----- Original Message -----

Subject: FW: Letter to Scottish Government

Sent: 17 Jul 2015 15:33

From: [REDACTED] >

To: [REDACTED]

Cc:

Dear [REDACTED]

I realise that you are abroad on holiday and either may not have received my email or decided to wait until you return to reply. There is, as you know, an urgency about this matter given the timescale for the Scottish Government to make decisions on the recommendations in the SFC Report as mentioned in Aileen McKecknie's letter. I had hoped that we could deal with my concerns about the content of your letter to the Scottish Government between us before decisions are made by the Government. However, as that doesn't appear to be possible and in the absence of any other course of action open to me to have the GCRB consider my concerns about the way in which the decisions of the Board have been communicated to the Scottish Government, I intend to circulate a note of my concerns directly to Board members. It will be for them to advise if they share my recollection and understanding of the views expressed and the decisions made.

Regards

[REDACTED]

---

From: [REDACTED]

Sent: 15 July 2015 16:51



**To:** [REDACTED]**Subject:** Letter to Scottish Government

Dear [REDACTED]

I sincerely apologise for contacting you [REDACTED]. However, in the absence of a GCRB Board Secretary or another designated individual, I am unsure how I should raise my serious concerns about the content of the letter which you have sent to the Scottish Government on behalf of the GCRB following our special meeting on Monday. That said, as you are the author of the letter it is perhaps most appropriate that I raise my concerns directly with you.

While there little in much of your letter with which I would take issue, I feel very strongly that, overall, it does not adequately reflect the strength of view expressed by the Board in relation to the failings and inadequacies of the DLA Piper Report and, in particular, the SFC Report. It doesn't reflect our view that the SFC's Report lacks credibility, rigour or balance and that the 'evidence' it presents is in many cases no more than supposition and innuendo. In particular, your letter fails to mention the Board's view that the SFC has failed to make any connection between the 'evidence' presented in its Report, its findings and the recommendations made. Specifically your letter omits to mention the Board's view that the most important recommendation, that the Chair of GCC be removed, is not justified by the 'evidence' and finding in the SFC Report. In addition, there is no mention of the decision that we made to request a meeting with Aileen McKecknie to discuss our concerns about the Reports and the recommendations.

In normal circumstances, if I felt it necessary to challenge the record or interpretation of decisions made at a meeting I would do so at the point of the approval of the minutes. As you know, I did ask that a note of the meeting be circulated to Board members prior to the letter to the Scottish Government being sent. You advised me that this was not possible due to time constraints. Had this been done, this would have allowed members to comment on their recollection and understanding of the decisions we made. Given that the letter has now been sent and that Scottish Government decisions on the matters addressed by the Board on Monday are imminent, and it is, of course, not possible for me to challenge the minutes of the meeting in advance of these decisions being made, I would be grateful if you would advise of the course of action open to me to have the Board consider my concerns about the way in which our decisions have been communicated to the Scottish Government and, if it is so agreed, to have the interpretation of them, as expressed in your letter to the Scottish Government, rectified.

Regards

## FW: Private and Confidential - GCRB letter to Scottish Government

[REDACTED]  
Fri 17/07/2015 15:07

To: [REDACTED];

For info

Sent from my Sony Xperia Z1 Compact on O2

----- Original Message -----

Subject: FW: Private and Confidential - GCRB letter to Scottish Government

Sent: 17 Jul 2015 15:46

From: [REDACTED] >

To: [REDACTED]

Cc:

Dear Colleagues

Like you, I received a copy of the letter sent by the Interim Chair of the GCRB to the Scottish Government on behalf of the Board following our special meeting on Monday 13 July. I have a number of serious concerns about the content of the letter which I do not believe fully reflects the views expressed by the Board or the decisions we made.

In normal circumstances, if I felt it necessary to challenge the record or interpretation of decisions made at a meeting I would do so at the point of the approval of the minutes. I did ask the Chair to circulate a note of the meeting to Board members prior to the letter being sent to the Scottish Government and was advised that this was not possible due to time constraints. As the letter had been sent and that Scottish Government decisions were imminent, and it would not be possible for me to challenge the minutes of the meeting in advance of these decisions being made, I contacted the Chair by email on receipt of the letter (Wednesday). I outlined my concerns and asked for her advice on the course of action open to me to have the Board consider these concerns and, if it is so agreed, to have the her letter rectified.

I have yet to receive a reply. I understand that [REDACTED] and may not have received my email. I had hoped to deal with my concerns directly with her before decisions are made by the Government. However, this doesn't appear possible. I feel that this matter is of such importance and time critical that I should share my concerns with other Board members. I have emailed [REDACTED] again to advise her that I intend to do this. I am very conscious that this could be viewed by some as seeking to undermine the authority of our Chair. That I not my intention. My intention is simply to ensure that the views and decisions of the Board on such a critical matter are properly reflected.

While there little in much of the letter with which I would take issue, I feel very strongly that, overall, it does not adequately reflect the strength of view expressed by the Board in relation to the failings and inadequacies of the DLA Piper Report and, in particular, the SFC Report. It doesn't reflect our view that the SFC's Report lacks credibility, rigour or balance and that the 'evidence' it presents is in many cases no more than supposition and innuendo. In particular, the letter doesn't mention the Board's view that the SFC has failed to make any connection between the 'evidence' presented in its Report, its findings and the recommendations made. Specifically it omits to mention the Board's view that the most important recommendation, that the Chair of GCC be removed, is not justified by the