

Informal Summary of Legislative and Regulatory Requirements Applying to Colleges in Scotland

Area of Influence	Legislation/Regulation	Outline Description
Education Acts	Further & Higher Education (Scotland) Act 1992	Established incorporated colleges, removing them from local authority management and making them autonomous subject to certain statutory controls; determined powers and relationship to government; it still provides important elements of the governance framework within which colleges continue to operate.
	Further & Higher Education (Scotland) Act 2005	Established Funding Council (NDPB status) setting out the main powers and duties of SFC in relation to colleges and universities, and the powers of Scottish Ministers in relation to the funding and functions of SFC.
	Post-16 Education (Scotland) Act 2013	Created regional colleges, changing the governance arrangements for the college sector; amended powers/duties; provided for Code, Appointments Guidance, ROAs
Students' Associations	Education Act 1994	Made provisions for governance of students' unions.
Ethical Conduct	Ethical Standards in Public Life etc. (Scotland) Act 2000 Register of Interest Regulations 2003	This Act established the Standards Commissioner for Scotland, and a framework for securing the observance of high standards of conduct by councillors and other persons holding public appointments. Provided for Code of Conduct for public bodies; The CoGC Board has a Code of Conduct (2014) based upon the (revised) Model Code of Conduct published by the Scottish Government.
	Bribery Act 2010	Reformed the criminal law of bribery, including bribery offences and penalties, covering bribery both in the UK and abroad.
Charitable Status	Charities Trustee and Investment (Scotland) Act 2005	Established current legislative framework for Scottish charities and created OSCR.

Gender Representation	Gender Representation on Public Boards (Scotland) Act 2018	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.
Freedom of Speech	Human Rights Act 1998, Article 10	Gave effect to rights under European Convention on Human Rights relating to Freedom of Speech
Information Protection/Disclosure; Public Records	Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013)	This Act established protection for individuals who make certain disclosures of information in the public interest (whistleblowing) and allows such individuals to bring action in respect of victimisation.
	Freedom of Information (Scotland) Act 2002	This Act provides the public with a right of access to information held by, or for, Scottish public bodies and established a Scottish Information Commissioner. Defined right of access to information and exemptions.
	The Re-use of Public Sector Information Regulations 2005	Provides for the re-use of public sector information (e.g. business may use SFC statistical data for their own purposes).
	Environmental Information (Scotland) Regulations 2004	Provision under Section 61 of FOI(S)A to regulate on access to environmental information held by public authorities. This Act requires every Scottish public authority to make environmental information available on request.
	Data Protection Act 1998	Established regulations for processing/storing/ disclosing personal information.
	General Data Protection Regulations (GDPR) 2018 (replaced above Act)	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. College Boards are responsible for ensuring that personal data relating to students and staff is handled and stored appropriately. Breach of data subjects' rights can attract very high sanctions (20m Euros/4% of

		turnover) therefore implies a high strategic risk. Full compliance is required.
	Public Records (Scotland) Act 2011	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.
Finance/Audit/Risk	(Further & Higher Education (Scotland) Act 2005) Financial Memorandum	Defines relationship to SFC and delegation of authority/reporting requirements; revised 2014 to accommodate ONS changes and Post-16 Act.
	(Public Finance & Accountability (Scotland) Act 2000) Scottish Public Finance Manual	Comprehensive regulations for public bodies with legal status via the 2000 Act, on which FM draws, which applies post ONS. This Act sets out the rules for spending money, accounting requirements, accountability of officials and auditing arrangements for public expenditure in Scotland. The basic principle is that spending can take place only if authorised by the Parliament in Budget Acts and must not exceed any amount so authorised in relation to that purpose. The Act also establishes Audit Scotland, the post of Auditor General for Scotland, the role of Principal Accountable Officer for the Scottish Administration, as well as the concept of 'Accountable Officers' (i.e. signatories to annual accounts etc).
Procurement	Procurement Reform (Scotland) Act 2014	Defined terms and duties in relation to regulated procurements and contracts. It makes provision about the procedures relating to the award of certain public contracts, and requires certain public authorities to produce procurement strategies and annual reports.
Student Funding	Education (Fees and Awards) (Scotland) Regulations 2011	Determined status of different student groups for charging fees and making awards. Numerous associated regulations.
Safeguarding and Counter Terrorism	Protection of Vulnerable Groups (Scotland) Act 2007	Introduced PVG scheme in place of previous disclosure scheme.
	Education (Additional Support for Learning) (Scotland) Acts 2004 and 2009	Placed duty on colleges to work with Local Authorities to improve access to support.
	Children and Young People (Scotland) Act 2014	Revised wide range of children's services policy; GIRFEC
	Counter-Terrorism Act 2015 Associated Regulation for Scotland	Put Prevent programme on statutory footing giving Secretary of State powers to enforce through courts in Scotland

Staff/Employer Relations	Employment Rights Act 1996	Redefined employers' obligations to employees and employees' rights.
	Employment Act 2002	This Act enhanced statutory rights in relation to parental and adoption leave and pay; reformed the employment tribunal procedures and workplace dispute resolution mechanisms, in response to the rising number and cost of employment tribunal claims in recent years. It also included provisions on a range of other issues, including equal treatment for fixed- term employees and time off for trade union learning representatives.
	Flexible Working Regulations 2014	Gave all employees certain rights in relation to flexible working.
	Employment Relations Acts 1999	Amended Employment Rights Act and TULR(C)A on numerous points.
	Employment Relations Act 2004	Revised legislation on union recognition and industrial action.
	Trade Union and Labour Relations (Consolidation) Act 1992	Listed trade unions; defined their relationship to employers and the rights and obligations of both.
	Pensions Act 2008	Introduced duty on employers to enrol employees automatically in pension schemes and provide a minimum contribution.
	Transfer of Undertakings (Protection of Employment) Regulations 2006/2014	Defined rights of staff transferring between employers.
	Work and Families Act 2006	This Act sets out the framework for improvements to existing rights in relation to maternity and adoption leave, and pay, and flexible working rights
The Children and Families Act 2014	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.	
Quality & Inspection	Scotland Act 1998	Established authority for inspectorate with Government Executive Agency status; merger in 2011 of HMIe with LTS created joint authority for curriculum development and inspection.

	Education (Scotland) Act 1996 as amended by the Scottish Qualifications Act 2002	Established authority and functions of Scottish Qualifications Authority (NDPB status).
Complaints	Scottish Public Services Ombudsman Act 2002 (under provisions in Scotland Act 1998)	Established SPSO to oversee and investigate complaints by members of the public against public bodies.
Equalities	Equality Acts (Scotland) 2006 and 2010 Equality Regulations 2012	<p>The 2006 Act was precursor which established Equality & Human Rights Commission (NDPB); 2010 Act Introduced Public Sector Equality Duty, requiring public bodies to consider how different people will be affected by their activities. The Equality Duty is supported by specific duties, set out in regulations which came into force on 10 September 2011, which require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives.</p> <p>The Act incorporated/replaced all previous anti-discrimination legislation including equal pay.</p> <p>To date, the College has published all required reports and plans under the PSED (CoGC website).</p>
International	Immigration Act 2014 and preceding Acts; Immigration Rules (see also Student Funding legislation as applicable to international students)	Determined duties of colleges in relation to international students and rights of international students. 2009 Act defined Tier 4 status for international students.
Estates & Infrastructure; Environment	Town & Country Planning (Scotland) Act 1997	Consolidated and reformed earlier planning legislation and application process.
	Planning Etc. (Scotland) Act 2006; Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008; Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009	Made further provisions including in relation to 'business improvement districts'
	Climate Change (Scotland) Act 2009	This Act created a statutory framework for reducing greenhouse gas emissions in Scotland by setting an interim 42% reduction target by

		2020. It requires colleges to take action to reduce carbon emissions. The Climate Change (Scotland) Order 2015 requires certain public bodies, including SFC, to prepare a report on compliance with the climate change duties.
	Environmental Information (Scotland) Regulations 2004 (See above)	
	The Waste Electrical and Electronic Equipment Regulations 2006	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.
Health & Safety	Corporate Manslaughter and Corporate Homicide Act 2007	Allowed for organisations to be found guilty of corporate manslaughter resulting from a breach in a duty of care.
	Health & Safety at Work Act 1974	This is the main piece of health and safety legislation, concerning duties to employees and to the public. 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 and maintain them, and persons in general.
	Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006	This Act and the associated regulations contain provisions for fire safety in non-domestic premises in Scotland.
	Management of Health & Safety at Work Regulations 1999 Workplace (Health, Safety and Welfare) Regulations 1992 Health and Safety (Display Screen Equipment) Regulations 1992 Personal Protective Equipment at Work	Required risk assessments and implementation of measures; training Regulated on various matters including heating and ventilation. Regulated on VDU screens. Provided for protective clothing and equipment. Regulated further on safety of equipment and machinery

Regulations 1992 Provision and Use of Work Equipment Regulations 1998	
Manual Handling Operations Regulations 1992 Health and Safety (First Aid) Regulations 1981 The Health and Safety Information for Employees Regulations 1989 Employers' Liability (Compulsory Insurance) Act 1969	Covered the physical movement of objects Made provisions for first aid Required the display of health and safety information on posters in the workplace Required insurance against employees' ill health and accidents
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) Noise at Work Regulations 1989 Electricity at Work Regulations 1989 Control of Substances Hazardous to Health Regulations 2002 (COSHH)	Regulated on reporting of incidents. Made provisions to protect employees' hearing Regulated on electrical systems and maintenance Required assessment and action in relation to hazardous substances
Construction (Design and Management) Regulations 1994/2007 Gas Safety (Installation and Use) Regulations 1994	Provided for safety on construction sites Covered installation, maintenance and use of gas systems
Control of Major Accident Hazards Regulations 1999 Dangerous Substances and Explosive Atmospheres Regulations 2002 Regulatory Reform (Fire Safety) Order 2005 Control of Asbestos Regulations 2012	Included regulation on storage of dangerous chemicals in certain quantities Required risk assessments for activities involving dangerous substances. Amended earlier regulations including in relation to records keeping and reporting.
Waste (Scotland) Regulations 2012	Provided for SEPA waste regulations
Health & Safety (Offences) Act 2008	Defined offences and penalties.
Working Time Regulations 1998 (amended)	Implemented EU Working Time Directive

	2003)	
Information & Communications Technology	Digital Economy Act 2010	Made new provisions with regard to online copyright and performers' rights including £50,000 potential penalty for infringement.
	Terrorism Act 2006	Outlawed incitement to terrorist activities including through websites and e-mail communications hence implications for colleges.
	Privacy & Electronic Communications (EC Directive) Regulations 2003	Required organisations to inform website users about the use of cookies and other devices; ref Data Protection
	Anti-Terrorism Crime & Security Act 2001, partially repealed by Prevention of Terrorism Act 2005	Introduced legislation relating to the retention of communications data.
	Regulation of Investigatory Powers Act 2000	Concerned the authorised interception of communications and acquisition and disclosure of communications data.
	Computer Misuse Act 1990	Defined computer misuse offences including hacking and fraud.
	Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000	Allows for monitoring without consent in certain circumstances.
Intellectual Property	Copyright, Designs and Patents Act 1988	Principal legislation on intellectual property.
	Copyright and Rights in Databases Regulations 1997	Made specific regulations in relation to databases.
Employment and Equalities	The Children and Families Act 2014	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.