

Glasgow Kelvin College

Audit and Risk Committee Meeting of 03 September 2024

Governance Update

Report by Director of Estates and Corporate Services

1. Introduction

The purpose of this report is to provide an update to members in relation to the following areas of corporate governance:

2. UMAL Safety Inspection Visits
 - Action List - Property Risk Management Report
 - Action List - Health and Safety Management Report
3. West End Campus – Update
4. Audit Scotland - Fees
5. New Security Arrangements – East End and Easterhouse Campuses
6. AG Lockdown
7. Freedom of Information Reform (Scotland) Bill
8. Information Commissioners' Annual Report and Financial Statements 2023-24
9. SFC Guidance on Quality for Colleges and Universities 2024-25 to 2030-31
10. Community Empowerment (Scotland) Act 2015 – Participation Requests

2. UMAL Safety Inspection Visits

UMAL carried out safety inspections across all campus locations over 11 and 12 January 2024.

The actions identified from these reports and the work undertaken are detailed in the following action plans:

[Action List - Property Risk Management Report](#)
[Action List - Health and Safety Management Report](#)

The College has concluded the action lists in both reports and has reported this to UMAL via their portal.

3. West End Campus - Update

Our West End Campus is under offer and the Scottish Funding Council/Scottish Government have agreed that this can proceed.

Heads of Terms are being agreed at present; the suggested date for conclusion of missives is 30 September 2024.

The buyer has requested that the campus be emptied of furniture. This is being done at present with many items being relocated for use in other campus buildings, being donated to community partners or public sector organisations or being sold if there is a residual monetary value. It is the intention that as little as possible is sent to landfill.

The College has liaised throughout this process with insurers and continues to do so.

A member of College staff continues to check our West End Campus daily.

At the time of writing this report, all is on track and the building continues to be maintained in order that it is handed over in an orderly manner. All paperwork pertaining to this campus has been passed to Thorntons, the College lawyer, for onward transmission.

Members will be kept updated in relation to the disposal of our West End Campus.

4. Audit Scotland Fees - Update

As advised at the last Audit and Risk Committee meeting, Jeanette Evans, Vice Principal Operations had again communicated with Audit Scotland in relation to the imbalance of audit fees across the College sector which disproportionately and negatively affects Glasgow Kelvin College.

The last communication sent was detailed in the last report to the Audit and Risk Committee. Despite sending and receiving several items of correspondence there has been no movement whatsoever on the part of Audit Scotland.

This matter of excessive College's External Auditor fees was raised by the Chair of the Board of Management at the Board of Management meeting held on 12 June 2024 and this was discussed in some detail. Board of Management members referred this matter back to the Audit and Risk Committee to consider if a letter to the Minister should now be sent.

5. New Security Arrangements – East End and Easterhouse Campuses

As members of the Audit and Risk Committee are aware, and due to ongoing financial constraints, the security arrangements at East End and Easterhouse Campuses were changed and a new, more cost-effective, but still robust, security system has been in place since Monday, 29 April 2024.

The new arrangements have been operating largely as expected, although the College has had to make a few tweaks to procedures to ensure all requirements are met. This has included the installation of dieters around the perimeter of the buildings for enhanced reporting/logging by the security firm who are providing lock up and mobile patrol services.

Recently there have been problems with a group of youths in the Easterhouse area who are carrying out some acts of mindless vandalism and causing damage to the College building, neighbouring properties and wider damage in the area. The Police have been in touch with the College regarding this matter. It is hoped that with the school year commencing this will assist as it is possible that this situation may have occurred due to youths being unoccupied/bored due to the lack of council leisure facilities/clubs and other positive outlets across the summer holiday period.

A meeting is being held with community partners and the College in relation to these youths to discuss what more we can do to prevent future damage and vandalism.

6. AG Lockdown

Following the recent Government consultation on Martyn's Law, the revised Standard Tier will require the College to:

- Notify the Regulator that we are responsible for premises within scope of the Bill (and so subject to the relevant requirements).
- Have in place procedural measures that could be expected to reduce, so far as reasonably practicable, the risk of physical harm to individuals at the premises in the event of an attack.

The College was advised via their insurance company about AG Lockdown who has developed a system which can ensure that the necessary measures are in place in order that organisations can comply with Martyn's Law requirements.

A link to an overview of their services can be found here:

[AG Lockdown](#)

Various meetings have been held with AG Lockdown and College staff were impressed with the service offered which will allow the College to meet the requirements of Martyn's Law. This was further discussed at the SMT and approval given to progress this solution.

Training will be carried out for all College staff. This is being planned at present.

7. Freedom of Information Reform (Scotland) Bill

A Freedom of Information Reform (Scotland) Bill is expected to be introduced aiming to enhance transparency and accountability.

The key points of the Bill include:

- increased coverage, with the bill seeking to extend freedom of information (FOI) rights to all organisations providing public services, including those in the private and third sectors;
- encouraging proactive publication of information;
- creation of a Freedom of Information Officer role;
- improve enforcement, where necessary;
- improve compliance with human rights law.

The consultation for this Bill closed in March 2023 and it is understood that the Bill will be introduced prior to June 2025. The Director of Estates and Corporate Services/Corporate Support and Administration Manager will continue to keep apprised of developments and ensure the College remains compliant. Further updates in relation to implementation will be provided to members of the Audit and Risk Committee accordingly.

8. Information Commissioners' Annual Report and Financial Statements 2023-24

The Information Commissioner's Office (ICO) has published its annual report for 2023/24. The report outlines the ICO's efforts to protect privacy while promoting innovation. Key highlights of the report are noted below for member interest:

Strategic Objectives: The ICO focused on four main objectives:

- Safeguarding and empowering consumers.
- Promoting responsible innovation and sustainable economic growth.
- Enhancing openness, transparency, and accountability.
- Ensuring the ICO remains an effective and efficient regulator.

Data Protection Complaints: The ICO received 35,332 data protection complaints, with 84.4% of these being responded to within 90 days.

Artificial Intelligence (AI): Responding to the rise of AI, the ICO has warned of "real danger" of discrimination, especially against neurodivergent people in brain-monitoring technology and has said that neurotech poses a major risk of being biased if not developed and used correctly. The ICO has committed to developing guidance for developers of neurotech. The ICO has issued guidance for consumers buying smart tech, emphasising research and preparation before buying products. Serco Leisure has been ordered to stop using facial recognition and fingerprint scanning to monitor workers' attendance as workers were not offered a clear alternative to these modes of monitoring.

Children's privacy: On children's privacy, the ICO has successfully completed six investigations with a further four in the process of being finalised. An investigation into TikTok saw the ICO issuing a £12.7 million fine for the misuse of children's data in April 2023.

Adtech and digital advertising: The ICO has done work on adtech, calling for websites to stop using damaging practices, such as using language suggesting a right or wrong decision on privacy policies, and cookie consent banners that do not offer an easy 'reject all' option. It has warned top UK websites of enforcement action if they do not comply with data protection law and pointed out that some websites do not give fair choices to users over personalised advertising tracking.

Spam marketing: The ICO has also tackled unlawful marketing, fining two energy companies a combined £250,000 for calling those on the 'do not call' register in addition to a further £130,000 fine for a company sending millions of spam emails without consent.

Financial Performance: The report includes detailed financial statements, covering the ICO's financial performance over the year.

Sustainability and Whistleblowing: The ICO also reported on its sustainability efforts and the whistleblowing disclosures made to them.

Future Outlook: The ICO is preparing for a volatile and uncertain future but remains committed to its mission of empowering individuals through information.

Following the recent King's Speech, the new Digital Information and Smart Data Bill commits to reforming the ICO into a new regulatory structure with a CEO, board and chair with new, stronger powers. It will be accompanied by targeted reforms to some data laws and promoting standards for digital identities around privacy, security and inclusion.

A link to the annual report can be found here:

[Information Commissioners Annual Report and Financial Statements 2023.24.pdf](#)

9. SFC Guidance on Quality for Colleges and Universities 2024-25 to 2030-31

The SFC recently issued guidance to Scotland's Colleges and Universities on new arrangements for quality assurance and enhancement of provision delivered at funded institutions. [SFC Guidance on Quality for Colleges and Universities AY 2024-25 to AY 2030-31.](#)

The guidance document referred to complaint handling and advised that from AY 2024-25, the SFC would seek greater openness, consistency and accountability in the recording and handling of complaints by considering the inclusion of any key outcomes of the evaluation of complaints as part of the College Self-Evaluation and Action Plan (SEAP) submission.

In addition, Colleges are expected to have readily available information and KPI's on complaints and complaint handling and regularly publish information and KPI's on complaints and complaint handling, consistent with SPSO's minimum requirements.

The College is content that it meets these requirements currently as complaints received are accurately recorded, investigated fully, and the outcome and any learning is clearly documented/implemented as appropriate. In addition, the College publishes its complaints data, outcomes and learning from complaints on a quarterly basis and prepares and publishes an annual performance report, which is also published on the College website.

10. Community Empowerment (Scotland) Act 2015 – Participation Requests

The College has submitted a completed return for the Community Empowerment (Scotland) Act 2015 - Part 3 - Participation Request as per a request from the Scottish Government; the deadline of 28 August 2024 has been met.

11. Resource Implications

As previously stated, the Audit Scotland fees are not proportionate to the size of the College.

There are some minor financial resource implications in terms of ensuring the College complies with Martyn's Law by implementing the solution provided by AG Lockdown. The other resource implication in relation to this will be the staff training required to ensure that individuals understand this system.

The new security measures in place in our East End and Easterhouse Campuses are saving the College circa £200,000 per annum.

As previously stated, the College hopes to retain as much of the sale proceeds from our West End Campus disposal as possible.

12. Impact on Students

The solution provided by AG Lockdown in terms of full compliance with Martyn's Law will ensure that students are as safe as possible whilst on campus in the event of, for example, a marauding attacker.

One external entrance door has had to be locked at our Easterhouse Campus as youths were using this to gain access to the College and The Bridge to carry out acts of random vandalism. This has caused a slight inconvenience for some students. The Health and Safety Manager at the College is fully aware of this situation.

13. Risk and Assurance

This report seeks to provide members with assurance that a number of governance matters related to the smooth running and operations of the College are being taken forward accordingly and will be carefully handled.

The College will continue to closely monitor the random acts of vandalism around the Easterhouse campus area and will meet with community partners to discuss this further.

14. Equality

There are no equality implications arising as a consequence of matters contained within this report.

15. Data Protection

There are no data protection implications arising as a consequence of this report.

16. Environmental and Sustainability

The random acts of vandalism experienced at our Easterhouse Campus could leave the environment in a poorer state for our students and staff. Costs to repair areas is unwelcome and is being coded for easier reporting/observation purposes.

17. Recommendations

It is recommended that:

- i) members note the content of this report and links; and
- ii) advise if a letter to the Minister (in respect of excessive audit fees levied at the College by Audit Scotland) should be prepared/sent and who should sign this.

18. Further Information

Further information can be obtained from Lisa Clark, Director of Estates and Corporate Services - lisaclark@glasgowkelvin.ac.uk or Jeanette Evans, Vice Principal Operations jevans@glasgowkelvin.ac.uk

Lisa Clark
Director of Estates and Corporate Services
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