

The Coronavirus (Recovery and Reform) (Scotland) Bill – Colleges Scotland Comment – February 2022

Introduction

Colleges Scotland is the collective voice for the college sector in Scotland, representing its interests and ensuring that colleges are at the heart of a world class education sector that is recognised, valued and available to all. Colleges Scotland, as the membership body, represents all 26 colleges in Scotland, which deliver both further education and around 24% of the provision of all higher education in Scotland.

On behalf of the college sector in Scotland we welcome the opportunity to provide our views regarding the Coronavirus (Recovery and Reform) (Scotland) Bill to the Scottish Government.

Context

The last two years have been unprecedented in their impact on the delivery of college-based activity, however, colleges, their students and staff, have responded well by not only having the flexibility to quickly move to remote working and online learning, they have also helped to combat Covid-19 in many different ways.

Colleges the length and breadth of Scotland have manufactured and donated PPE supplies, provided food to local food banks to help support vulnerable students and families in their communities, some have offered buildings for hub use and social support, while others have provided their fleet of vehicles to frontline services. We are immensely proud of the college sector and the role it has played during the pandemic.

Key Comments

Section 8: Regulations on Continuing Operation of Educational Establishments

Across all of the requirements and restrictions associated with the proposed regulations we would strongly advise that these regulations cannot be delivered at a distance by the Scottish Government working in isolation and would instead need to be delivered in consultation with the college sector.

Throughout the pandemic the college sector has worked consistently with the Scottish Government, through the Covid Recovery Group, and other forums to ensure the safe delivery of learning and teaching activity and to collaboratively respond to, and mitigate, the impact of the pandemic on college operations.

On the basis of this experience, we would advise that the intended provisions which have been proposed within the Bill are not required. By engaging collaboratively with the Scottish Government, including during those crisis periods through new variants, the college sector has been able to adopt a responsive approach in line with the public health requirements to keep students and staff safe, in line with the four harms model.

It would also be important to add that at no stage during the pandemic did the Scottish Government enact the emergency powers which were available to it to compel colleges to abide by the Covid-19 legislation and associated guidance.

College Delivery

The Scottish Government should be aware of the wide-ranging nature of college curriculum and associated delivery, and of the requirements incumbent on colleges in managing and maintaining their estates.

To give an example of the level of detail that would be required, Dundee and Angus College oversee the welfare and supervision on animals on campus in relation to their Animal Care and Zoology courses.

The Scottish Government could not understand those requirements to the same degree and would have to work with college management and staff to ensure the safety of staff and students whilst maintaining access to college facilities. This would apply not just for learning and teaching activity but for other elements of access for community provision, such as nurseries and early years and childcare settings on college campuses. The Scottish Government, without actively engaging with the college sector, could not possibly make decisions in the absence of college management knowledge and expertise.

The Bill as currently presented would give Ministers the responsibility to implement regulations across these areas of provision. The Scottish Government simply could not manage and maintain these areas of activity and delivery, and as a sector we would hold concerns around safeguarding and appropriate management and supervision of both students and staff.

Section 10 – Regulations on Student Accommodation

Throughout the pandemic those colleges with student accommodation have engaged with the Scottish Government and other public health partners through the Student Accommodation Group, overseeing the communication of public health guidance and accommodation specific guidance. As per the measures for Section 8 we would advise that this should be the same practice going forward.

In the event of an outbreak which requires management we would suggest it should be for the college in question, working with the Scottish Government and public health partners to make decisions to contain the outbreak, as opposed to Ministers making decisions for local situations.

Framework Approach for the College Sector

As the Scottish Government would need to work with the college sector in any eventuality, we would advise that the Scottish Government should look to establish a framework approach for the college sector, with clear expectations and requirements for institutions to implement in line with their own unique circumstances, as opposed to any prescriptive approach.

Colleges Scotland, on behalf of the college sector, would look to actively collaborate with the Scottish Government in developing and implementing such an approach which can support the effective management and maintenance of public health measures in college-based settings.

Conclusion

The purpose of this legislation is to assist with the public health response in the event of future pandemics or other public health crisis, both to ensure the continuity of education provision where necessary and to ensure the appropriate safety measures are in place.

However, we would advise that the powers within the Bill as currently presented are unnecessary and our expectation on behalf of the college sector would be that the Scottish Government would continue to engage with the college sector through Colleges Scotland to ensure both the continuity of college-based education provision and to ensure appropriate safety messages are in place.

Colleges Scotland
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