

Education, Children and Young People Committee
Wednesday 21 May 2025
17th Meeting, 2025 (Session 6)

Tertiary Education and Training (Funding and Governance) (Scotland) Bill

Introduction

1. The Scottish Government introduced the Tertiary Education and Training (Funding and Governance) (Scotland) Bill on 5 February 2025.
2. The Bill aims to simplify the funding landscape for post-school education and training.
3. The Education, Children and Young People Committee has been designated as the lead committee for the Bill at Stage 1.
4. A [SPICe briefing on the Bill](#) was published on Friday 24 April.

Call for views

5. The Committee issued a call for views on the provisions of the Bill, which ran from 28 February 2025 until Friday 11 April 2025.
6. The responses to the call for views have been [published](#). A summary of the responses received is included in the papers prepared for the meeting on [7 May](#).
7. Ahead of the Committee's oral evidence sessions on the Bill, the [Economy and Fair Work Committee](#) has been taking evidence on [Skills Delivery](#) at its meetings on [26 March](#), [2 April](#), [23 April](#), [30 April](#) and [7 May](#). This work is focussing on wider skills policy and is complementing the work of the Education, Children and Young People Committee's Stage 1 scrutiny of the Bill.

Committee meeting

8. The Committee has taken oral evidence at its meetings on [7 May](#) and [14 May](#). The Committee will also take evidence at its meetings today and on 28 May.
9. At today's meeting, the Committee will take evidence from two panels.
10. On panel one, the Committee will take evidence from:
 - Sarah Collins, National Officer for Further Education, EIS
 - Liam Davenport, Industrial Officer, PCS
 - Nicola Jackson, UNISON Steward, Skills Development Scotland
 - John Lewis, Scottish Funding Council Workplace Representative, Unite the Union
 - Mary Senior, Scotland Official, University and College Union Scotland

11. On panel two:

- Vikki Manson, Deputy Head of Policy Scotland, Federation of Small Businesses
- Paul Campbell, General Manager at Scottish Water and SAAB Employer Engagement Group Chair, representing Scottish Apprenticeship Advisory Board (SAAB)
- Carolyn Currie, Chief Executive, Women's Enterprise Scotland

Supporting information

12. A SPICe briefing has been produced for the meeting. This is included at **Annexe A**.

13. EIS, PCS, UNISON, Unite the Union, University and College Union Scotland, Federation of Small Businesses and Scottish Apprenticeship Advisory Board all responded to the call for views. These responses are included at **Annexe B**.

14. The [Scottish Apprenticeship Advisory Board \(SAAB\) Apprenticeships Engagement Group](#) and the [Scottish Funding Council Branch Committee of Unite the Union](#) have also provided written submissions, in advance of the meeting.

Clerks to the Committee
May 2025

Annexe A

SPICe The Information Centre
An t-Ionad Fiosrachaidh

Education, Children and Young People Committee
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Tertiary Education and Training (Funding and Governance) (Scotland) Bill

This paper is intended to support members during the Committee's third evidence session on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill. The Committee will hear from representatives from the Educational Institute of Scotland (EIS), Public and Commercial Services Union (PCS), UNISON, Unite the Union and UCU Scotland on Panel 5; and the Federation of Small Businesses (FSB), the Scottish Apprenticeship Advisory Board (SAAB), Scottish Chambers of Commerce (SCC) and Women's Enterprise Scotland on Panel 6.

This briefing should be read alongside the following documents:

- The SPICe briefing on the Bill as introduced can be found on the [SPICe publications website](#).
- An analysis of responses to the Committee's Call for Views can be found in the [papers for the 7 May 2025 meeting](#).

Summary of evidence heard

7 May 2025 meeting

A summary of evidence heard during the Committee's first evidence session on the Bill can be found in the [papers for the 14 May 2025 meeting](#). Points discussed by witnesses included:

- The need for the Scottish Government to ensure the transfer of staff from SDS to SFC was well-managed for years to come.
- A call for SFC to build relationships with business and industry to successfully deliver National Training Programmes and apprenticeships. While ringfenced funding was not seen to be necessary, a need to ensure funding is spent on apprenticeships and not used for colleges and universities was highlighted. Prosper said all types of work-based learning should be included in the Bill.
- Proposals to move further education student support from SFC to SAAS provide opportunities to streamline student support further.
- SFC's responsibilities on financial monitoring should balance university autonomy with the need for a regime where information can be sought and provided and recommendations can be made.
- On proposed changes to the membership of the SFC Council, RSE and Prosper were broadly supportive. However, RSE expressed concern about tenure of board roles, stating these should be time limited. Prosper highlighted the need to ensure board

members had the right skills and experience, including knowledge of financial due diligence.

- Prosper said the proposed Apprenticeship Committee must include employers, key skills bodies, key trade bodies and regional representatives.
- Skills Development Scotland expressed the view that the Bill was not a cost-effective way of solving skills shortages and would potentially cost £30m to transition SDS staff to SFC. SFC did not provide figures on costs, stating more work was needed to establish these.
- SFC said apprenticeship targets and delivery would be based on the Scottish Government's annual Letter of Guidance. SFC also stated apprenticeship funding would not be spent on colleges or universities as it would not be possible to reallocate funding in this way.
- SDS said the Bill was underdeveloped, did not give businesses the detail they needed on future skills and did not take forward the recommendations of the OECD's 2022 review of apprenticeships.
- SAAS and SFC stated work to transfer further education student support to SAAS was underway; the intention was for a seamless transition from 2026 onwards.
- On financial sustainability monitoring, SFC said the Bill puts SFC's current responsibilities into statute.
- On the Bill's proposals around student support for designated private providers and the need to ensure checks and balances are in place, SAAS stated work was underway with Education Scotland to ensure a robust process was in place.
- On RSE's suggestion that tuition fee funding should be collected by SFC rather than SAAS, SAAS stated having all funding for students in one place is preferable as it allows the funding to follow the student.
- SFC highlighted the need to ensure that the skills and experience of the Council reflected all areas of skills, including apprenticeships, research, college and university.
- On proposals to establish an Apprenticeship Committee at SFC whilst winding up the Scottish Apprenticeship Advisory Board (SAAB), SDS said the work of SAAB is valuable and there was a "potential missed opportunity" to engage more of industry and employers to unlock further investment.

14 May 2025 meeting

At the Committee's 14 May meeting, members heard from Universities Scotland, Colleges Scotland, NUS Scotland and the ADES Sub-Group on Foundation Apprenticeships during Panel 3 and SDC-Learn, Tullos Training and SNIPEF during Panel 4. **Please note**, the Official Report was not available at the time of writing the below summary.

Panel 3

During this session, participants continually highlighted the financial instability facing colleges and universities. Colleges Scotland's Jon Vincent stated that the Bill had the potential to divert attention from tackling issues related to financial sustainability. NUS Scotland said that while both sectors were facing issues and the funding system required review, the college sector was facing the brunt of cuts and job losses.

However, Universities Scotland and Colleges Scotland both noted opportunities the Bill provided to address disconnect and duplication with current apprenticeship delivery and work with one organisation rather than two. Universities Scotland's Sir Paul Grice stated currently Graduate Apprenticeships were rigid, and universities hoped the Bill would provide the opportunity to grow and expand them.

Andrew Ritchie of ADES Sub-Group on Foundation Apprenticeships said there had been a lack of Scottish Government engagement with local authorities on the Bill and its impacts on Foundation Apprenticeships (FAs). He highlighted the positive impacts of FAs on attainment and retention of senior phase school pupils and expressed concerns about the Bill's lack of consideration of FAs, the local authority role in their delivery and local authority responsibility for school-age pupils. He also challenged the statement in the Bill's Policy Memorandum that FAs are "unpaid and therefore not regarded as true apprenticeships by many stakeholders", stating their impact in training young people.

ADES said a risk of the Bill was that FAs "would be no more", would be "taken out of the apprenticeship family" and sit alongside undefined work-based learning courses. Andrew Ritchie said FAs were industry-standard within the senior phase and brought the apprenticeship system together, and he assumed this was an unintended consequence of the Bill.

Witnesses also discussed the impact moving apprenticeship responsibility to SFC might have on funding. Colleges Scotland's Jon Vincent said there was potential to address current issues with the system and grow the number of apprenticeships offered to meet demand. He stated that ring-fencing funds for apprenticeships could be counterproductive, pushing demand to time-limited funds. He also stated that while funding provided per place is around £9,000 for secondary school and £7,500 for university, for colleges the funding is around £5,500 and for apprenticeships the figure was less still. [Average expenditure per place for school, college and university is set out in this [April 2025 Written Answer](#). Please note, Committee clerks have written to SFC to establish the average cost of funding per Foundation Apprenticeship place.]

Universities Scotland's Sir Paul Grice said that more reassurance on apprenticeships could be on the face of the Bill. He also said that the Scottish Government's Letter of Guidance to SFC could potentially be used to set out targets and priorities on apprenticeships.

The transition of SDS staff to SFC was highlighted by witnesses as an area where more information was needed to aid understanding of the full costs involved, including pensions. Colleges Scotland and Universities Scotland both stated the need to ensure careful management and strong leadership and oversight of the transition. Colleges Scotland stressed the need for employer involvement in the apprenticeship framework at all stages and said that if the transition of staff from SDS to SFC simply resulted in apprenticeships being siloed, this would be a missed opportunity. ADES also stated that the role of employers in apprenticeships is crucial, and the employer facing element currently provided by SDS must not be lost.

On college further education student support, Colleges Scotland said this presented an opportunity to streamline the system and make it easier for learners to navigate, and potentially to address differences in support provided. NUS Scotland's Sai Shraddha Suresh Viswanathan stated that parity was not there for learners, and further education college students were often struggling to make ends meet. She added that apprentices often had additional costs to factor in, such as the cost of tools needed to carry out their role.

Commenting on the Bill's proposals around monitoring of financial sustainability, Colleges Scotland said currently SFC responded to issues once identified, and there was no formal mechanism for this or 'road map' on assistance. Colleges Scotland supported a mechanism for this scrutiny, along with a model for bringing institutions back to stability. Colleges Scotland also said the Bill should stipulate that financial scrutiny applies to all SFC funded bodies, not just colleges and universities.

On clawback of funding for colleges, Colleges Scotland said institutions meeting targets could currently still face clawback and the system of funding was too opaque. This meant that it cannot be assumed a college is facing financial difficulty due to mismanagement, and other factors may be at play.

Universities Scotland outlined the process for submitting financial information to SFC – currently in June, December and March each year. Sir Paul Grice said that while not currently statutory, institutions felt a strong obligation to meet SFC deadlines. He added that more detail could be included in the Bill about financial monitoring, rather than leaving this to regulations. He also said that SFC's powers had to be balanced with the role of university governing bodies, and with the autonomy of universities.

On proposals to change the governance of SFC, Colleges Scotland said board members with understanding of work-based learning were needed, and former college principals could also provide insight into issues faced by the sector. Similarly, Universities Scotland stated members with current experience of university management should be included among membership. NUS Scotland said there is a need to ensure student representation, calling for a wider range of student voices to be included, as NUS could not represent everyone, and college students also required representation.

On the proposed establishment of an apprenticeship committee, witnesses spoke positively of the role of SAAB and Colleges Scotland said the new committee must have a diverse employer voice.

Asked about the Bill's proposals on designation of private providers for the purposes of providing student support, Colleges Scotland expressed the hope for the same level of scrutiny to be applied to private providers as is applied to colleges.

SFC's capacity to cope with the new apprenticeship responsibilities and provide support institutions with financial challenges was highlighted by witnesses as a general concern about the Bill.

Panel 4

Witnesses expressed concerns about the college first principle expressed in recommendation 6 of Withers review. This states:

“The redesigned system of funding should, as a priority consider a colleges and universities first approach to ensure best value from public investment”

SDC-Learn suggested this was 'unhelpful' and underappreciates the value of MAs delivered by independent training providers – who deliver around 70% of MAs in Scotland.

There were also concerns expressed about the SFC having a bias towards colleges and universities where they have existing relationships – Tullis Training noted that they do not have a relationship with the SFC.

SDC-Learn note that Skills Investment Advisors (SIAs) in SDS have a key relationship with businesses, and the move to SFC might weaken this link

Witnesses were keen to emphasise that the fundamental issue facing training providers is funding – contributions from SDS have not increased for 8 years despite rising costs, which means that greater contributions are required from employers.

SNIPEF note that around 80% of their members are micro businesses, who in this sector employ the majority of apprenticeships. These smaller firms are finding that it is increasingly expensive to employ an apprenticeship, partly due to the flat contributions from the public sector, partly due to increasing costs faced by businesses such as the minimum wage.

Witnesses also called for a re-prioritisation of funding towards work-based learning. SNIPEF suggest that funding is prioritised for schools, colleges and universities, not for apprenticeships.

Tullos note that not all sectors face huge demand for apprenticeships, some areas such as business administration face a challenge in attracting applicants. Witnesses noted that there are varying degrees of engagement across schools.

There was some discussion around SFC making an additional contribution to college costs in delivering apprenticeships – with witnesses quoting a figure of £2,800 to £5,000 per apprentice. Tullos suggested that employers will face a higher cost of going down the independent training route due to this additional contribution, but that they are able to offer a more bespoke training course which better meets business need.

Related to this, Tullos noted that SDS contribute a maximum of £10,800 towards the cost of some apprenticeships, with employers typically contributing a further £3,000 to £9,000. In written evidence to the Economy and Fair Work Committee, SAAB noted that for every £1 in public money, employers contribute an average of £10 (when considering all costs including salaries of apprentices).

Witnesses stated the proposed definition in the Bill potentially excludes foundation apprenticeships. Tullos noted that FAs in Aberdeenshire have an achievement rate of over 80% and are concerned that this might be jeopardised as part of the reform.

Written submissions

Several witnesses the Committee will hear from at today's meeting responded to the Call for Views. An analysis of responses can be found in the [Committee's 7 May 2025 papers](#).

The [EIS submission](#) was on behalf of EIS Further Education Lecturers' Association (FELA) and EIS University Lecturers' Association (ULA). Key points made in the response were:

- Cautioned against creating competition for funding between different education provisions.
- Called for colleges' role in distribution of further education student support to be retained, and sought assurances on how policy would be developed and whether the FE Student Support Advisory Group and Student Support Network would continue to play a role.
- Raised concerns about the use of efficiency studies leading to colleges with socio-economically disadvantaged students being penalised.

- Stated “there appears little appetite” for ensuring senior staff involved in financial mismanagement are not “simply moved to another institution”.
- Expressed the view that SFC does not make best use of its existing powers and therefore will require monitoring to ensure it makes use of any new powers.
- Called for SFC to be given powers to collect information leading to an adverse effect on staff (financial, strategic, operational etc), and also enforcement powers for failure to comply with funding requirements.
- Called for trade unions to have formal representation within governance and decision-making structures.
- Raised concerns that provisions in the Bill to designate private providers for the purposes of providing support to students could encourage growth of private providers receiving public funding.

The [PCS submission](#):

- Stated that there had been an absence of consultation with unions during the development of the Bill, and workforces at SFC, SAAS and SDS had little confidence in the proposed reforms.
- Stated the proposals would likely more than double the headcount of SFC, and highlighted potential complications associated with this merger such as different terms and conditions of staff.
- Highlighted the potential for the changes to have a knock-on impact on organisations such as South of Scotland Enterprise, who share services with SDS. PCS stated that there was the potential for the proposals to “introduce far greater inefficiencies elsewhere”.
- Highlighted the role of SDS in procurement of apprenticeships in Northern Ireland, stating this was not mentioned in the Bill.
- Stated that SFC monitoring powers for colleges and universities misunderstand how in-work apprenticeships are delivered and also create the risk that a multi-year apprenticeship “may have its funding pulled mid-way through”.
- Stated that the governance elements of the Bill risked the SFC board (Council) not having sufficient knowledge and experience of National Training Programmes (NTPs).
- Called for the Scottish Government to “take a step back from this draft legislation, properly engage with the workers involved in apprenticeship provision, and then formulate a plan based on a full understanding of the current system”.

The [UNISON submission](#) stated:

- The union’s view that the move should not go ahead as it is “fraught with risk” for apprenticeships and risked their funding being diverted to other areas of post-school education.
- SAAS should not be given a greater role in distributing student support – in UNISON’s view SAAS is “routinely late with its policy and allocations” and does not meet the needs of college students.
- Financial sustainability provisions in the Bill should have a greater focus on the longer-term financial position of institutions, and oversight in relation to working conditions and fair work principles.

- Enforcement mechanisms such as recovery of funding may not support the provision of tertiary education.
- The Bill does not provide assurances that apprenticeship delivery will be maintained. UNISON called the inclusion of ring-fenced apprenticeship funding.
- The SFC board would initially lack knowledge and expertise on NTPs. UNISON also highlighted the lack of a workforce representative on the board.

The [Unite the Union - SFC Branch](#) submission:

- Reiterated the need for consultation, which it noted had been lacking.
- It stated: “Regardless of the eventual outcomes of the proposals, the Scottish Government has previously committed to the joint unions that full and meaningful consultation would take place with the trade unions across the organisations involved... We would like to see a renewed commitment from, and concomitant actions by, the Scottish Government on full and meaningful consultation with the joint unions.”

The [UCU Scotland submission](#) stated:

- The Bill had the potential to make SFC “less specialist and agile”, diluting the focus SDS currently has on apprenticeships and potentially making it more difficult for SFC to pick up on failures or leadership and governance at an earlier stage.
- Proposals to strengthen monitoring of financial sustainability were welcome, but intensive monitoring and investigation may be required to prevent future crises at individual institutions.
- Proposals changing the governance of SFC risks diluting knowledge and experience in relation to higher education. UCU Scotland joined others in pointing out that the board membership proposals lacked a worker or trade union voice.
- The independence of SFC from government and ministers is important and “should be at the forefront of the committee’s thinking”.
- On designation of private providers for the purposes of student support, UCU Scotland also stated it opposes any move that would encourage the growth of such providers.
- Further reform to university governing bodies is needed to ensure robustness of university governing bodies.
- University Principals and senior staff pay should be brought into the national framework agreement for pay.
- SFC monitoring of fair work should extend to engaging directly with campus trade unions at national level.

The [FSB submission](#) stated:

- The Bill should provide a statutory requirement to increase the number of apprenticeships year-on-year.
- Consideration should be given to how small businesses can be supported with the costs of employing an apprentice.
- Modern Apprenticeships should be made more readily available to a wide range of learners.

- The SAAB plays an important role and the proposed SFC Apprenticeship Committee and any related groups must ensure continued representation for all involved in apprenticeship delivery.

The [Scottish Apprenticeship Advisory Board \(SAAB\)](#) submission stated:

- Concern that the Bill does not safeguard funding for apprenticeships.
- The need to maintain an industry led approach to oversight of apprenticeships.
- Conditions should be built into the Bill to set out a role for industry leadership.
- Amended conditions for apprenticeships must include principles such as parity with further and higher education and incorporate SAAB's joined-up approach.
- The Bill should have conditions built in to require SFC's use of outcome reporting to include demand performance, higher and further education outcome data, and labour market outcomes.
- The Bill must specify the SFC Board must include industry representatives committed to apprenticeships.

Lynne Currie, Senior Researcher (Further Education, Higher Education and Children's social work, child protection and adoption); Andrew Feeney-Seale, Senior Researcher (Skills), SPICe

15/05/2025

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The Scottish Parliament, Edinburgh, EH99 1SP www.parliament.scot

Annexe B

EIS-FELA response to the call for views on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill

The EIS is Scotland's largest teaching trade union. This response is on behalf of both self-governing associations, namely the Further Education Lecturers' Association (FELA) and the University Lecturers' Association (ULA).

- 1. The proposals would move the funding and functions related to National Training Programmes and provision for apprenticeships from Skills Development Scotland to the Scottish Funding Council. What do you think of these measures?**

EIS-FELA supports the policy aim of facilitating more transparent ways of funding apprenticeships in order that the system is easier for learners to navigate and to ensure learners have access to the skills and training required. EIS-FELA also supports parity of esteem for apprenticeships within the post-16 education landscape; however, EIS-FELA cautions against any moves which create competition for funding between different modes of educational delivery. Each has its place.

There is no guarantee of enhanced accountability and assurance with this transfer and EIS-FELA questions whether the funding balance will be skewed towards employers' needs only in a bid to align funded activities with skills needs. There should be a funding environment which promotes education for education's sake instead of purely vocational or work-based learning.

EIS-FELA would also wish assurance that any expertise acquired by SDS staff in relation to NTPs and apprenticeships is not lost in the transfer to SFC.

- 2. The Bill would also move the funding and functions related to college student support from SFC to SAAS so that all student support funding is delivered through SAAS. What do you think of these measures?**

EIS-FELA would be concerned that Further Education students may find it difficult to access financial assistance if this move means Colleges are no longer able to directly support, advise, and give students access to financial support. Signposting to existing funding routes at places of learning eliminates confusion for learners, ensuring they are all receiving the correct financial support package, and this is an important aspect which should be retained. If Further Education students would now be asked to apply individually and directly to SAAS for student support, then it is likely that student numbers will decrease as some will be unable to do this without significant support. The demographics of Further Education students is different to that of

universities in that more have caring responsibilities, additional support needs and age can be a factor.

Furthermore, EIS-FELA are concerned about the potential responsiveness of SAAS when students are in crisis or near deadline to apply. Shifting funding and regulation for bursaries, EMA, childcare costs and discretionary funds to SAAS should mean SAAS then work with colleges on funding allocation, but it is unclear if this would be the intention. Currently the SFC develops policy through the FE Student Support Advisory Group and Student Support Network and EIS-FELA would like to see that input continue. EIS-FELA are concerned this move will result in a further decrease in budget for colleges and financial assistance for additional support for learners. EIS-FELA would like to see inbuilt protections for ASNs and ESOL provision.

3. The Bill will provide SFC with powers to make recommendations, issue guidance and to monitor the financial sustainability of post-16 education bodies. What do you think of these measures?

EIS-FELA agrees with the need to improve the timeliness and efficiency with which financial and other information is provided to the SFC, including giving the Scottish Ministers a regulation-making power to set out the circumstances in which information must be proactively notified to the SFC and placing the SFC under a duty to monitor fundable bodies' financial sustainability. It is not clear, however, how this will work in practice yet, especially as the reportable information is only where the SFC knows the information exists. Transparency and accountability are still in question.

EIS-FELA is cautious about the use of efficiency studies "assist(ing) with performance improvement." EIS-FELA would like to see use of these studies to improve performance around local decision-making, governance and cost-benefit analysis; however, EIS-FELA are sceptical that they may, instead, be used as a postcode lottery of provision. The study may find that certain colleges are not 'performing' (based on however that may be assessed) where their student population is perhaps most socio-economically disadvantaged. EIS-FELA would hope that such a study would then lead to additional support being given (financially, educationally, in support services etc) rather than being penalised but it is unclear what legislative measures will result from the study other than that they may publish written recommendations.

EIS-FELA notes the Bill mandates institutions "must have regard to" the guidance or recommendations in the carrying out of their funded activities. However, a question mark remains over what happens where institutions do not follow the recommendations but simply 'have regard' to them, which can mean as much or as little as the governing body of the institution wishes. Albeit, the SFC will have to consult both Ministers and institutions in issuing guidance therefore the trail of accountability should lead directly back to Government.

It is clear that the use of codes of conduct (“for example to address concerns around breaches of fair work conditions”) or other “appropriate enforcement mechanisms” have been discounted. EIS-FELA, again, is cautious about this approach. On the one hand, we would wish for more accountability and a greater spread of skills within SFC to ensure more effective scrutiny. If that scrutiny is not effective and the make-up of the SFC is such that it is, essentially, the same people marking the homework then we note enhanced scrutiny (around performance based on quantitative figures and targets only, for example) could trigger negative institutional responses which directly affect staff. A more interventionist SFC would only be useful if it was based on values of effective governance, ensuring a healthy and safe working and learning environment, and educational rationale; not if it is simply going to be based on the notion of continuous growth.

Overall, EIS-FELA are concerned there appears little appetite for ensuring those responsible for financial mismanagement are not simply moved to another institution within the sector. EIS-FELA submits this is one of the most significant factors impacting the sector.

EIS-FELA are also concerned that the SFC does not currently make best use of its existing powers therefore it will be a watching-brief on whether these increased powers equate to a greater level of monitoring and accountability in reality.

EIS-FELA agree that all persons or bodies receiving funding from SFC should have mirror requirements to current fundable bodies.

EIS ULA share the same concerns as their colleagues in EIS-FELA regarding providing the SFC with making recommendations and issuing guidance to institutions. We welcome the intention of the Bill to give the SFC more powers in this regard but would be keen to understand how this will work in practice.

EIS ULA also have concerns over the SFC’s ability to monitor the financial sustainability of post-16 education bodies and how the additional powers in the Bill will improve this. With a dire financial situation emerging in universities across Scotland at the moment, EIS ULA welcome the introduction of greater financial monitoring by the SFC.

Currently, the SFC have financial memoranda with fundable bodies which requires them to notify the SFC of any financial difficulties they have or are likely to have “without delay”. However, this relies on the SFC knowing that this information exists or may exist. This is a reactionary reporting system, with the SFC having little to no understanding of impending financial difficulties in universities and how to they may circumvent them.

If a fundable body fail to disclose financial information relating to difficulties it is facing, the SFC have recourse to recover funds but, even with the ability to do so, it is expressed that this is not a desirable action to take. Therefore, there does not seem to be any affirmative action which

the SFC may be willing to take to hold any fundable body accountable.

The draft Bill appears to put more onus on the fundable bodies to proactively share information with the SFC that it may not normally be aware of. EIS ULA would strongly urge that any information (financial, strategic, operational, etc) which would lead to an adverse effect (student learning, staff job security, loss of academic provision, etc) on students and staff at these institutions to be included within these new information collating powers.

However, there still appears to be no additional avenues of recourse that the SFC can utilise if fundable bodies do not comply with their funding requirements. As outlined by earlier comments from EIS-FELA, if institutions only require to “have regard” to guidance or recommendations, there appears to be no other enforcement measure which can be implemented regarding a failure of universities to comply with their funding requirements.

Whilst the Scottish Government are wary of straying into the realms of reclassification of universities, EIS ULA would cautiously call for the SFC to have greater powers for holding institutions accountable for the funding they receive and how this is used.

4. The Bill makes changes to the governance of the SFC, to take account of its expanded functions, and to ensure that the Council has the skills and experience that it needs. Are the measures sufficient?

Both EIS-FELA and EIS ULA agrees that there should be improvement to the arrangements for (re)appointing members of SFC and to matters to which the Scottish Ministers are to have regard when appointing members. We hope that giving SFC powers to co-opt additional members to the Council to provide advice or challenge on topics on a limited-term basis could provide more effective scrutiny and ensure fundable bodies are accountable to their staff and students. It is hoped this will include direct advice or challenge from practitioners. However, overall, we believe that Council members should represent the communities they serve, including trade unions, the voluntary sector, refugee organisations and other educational backgrounds. There needs to be a move to democratise the Council as much as possible. Both EIS-FELA and EIS ULA would prefer trade unions to have formal representation within the governance and decision-making structures to mirror the requirement to have TU reps on College Boards or University Courts. This may help to shift the focus back onto education rather than merely efficiencies.

5. The Bill aims to clarify the process for providing student support to Scottish students studying at private institutions in the UK. Do the measures provide enough clarity? Are the measures sufficient?

The EIS understands from parliamentary counsel team that the intention of this part of the Bill is

to tidy up what already happens in practice and make it more straightforward for students to receive student support if they attend non-traditional tertiary providers. The intention is also to ensure better accountability and the numbers of students this currently impacts is relatively low, and in areas not competing with funding for traditional fundable bodies.

However, the EIS remains concerned about the implications of this Part of the Bill, despite the title 'student support'. Our understanding is that there is a more straightforward route for private providers in rUK to be designed same as incorporated, public, institutions in Scotland (and all Scottish fundable bodies). Although the title of this section is "Student Support" and the policy background is that this change will allow Scottish-domiciled students to receive student support if they attend private providers in rUK, the statutory change is clearly wider in that it allows for designation of all private providers (in Scotland and rUK) as fundable bodies or bodies who may receive public grants . We are concerned this will further restrict the one pot of money SFC has for use by current fundable bodies and opens the way more private education providers to receive public monies in future.

6. In your view, what should the outcomes of the Bill be?

EIS-FELA and EIS ULA believe that creating a post-16 landscape through one funding model for higher education institutions, further education colleges, apprenticeships and work-based learning providers will only increase competition for funding unless it is very clear that each median of delivery fulfils a distinct purpose.

The model of a further education college is different to that of a university. Whilst FE colleges provide higher education in the form of certain qualifications and certainly provide a pathway to higher education institutions as well as vocational qualifications, they are distinct entities in a tertiary landscape with their own role, history and culture. FE colleges, and the staff within them, are attuned to the demographics of their learners and their local communities. Factoring in local socio-economic concerns, ensuring provision to assist those whose first language is not English to achieve any level of competence in the English language, and providing support for those with additional support needs when accessing education are all statutory functions of further education colleges.

EIS ULA are concerned that the Bill focuses on addressing skills gaps and meeting economic needs and what this may mean for funding of higher education courses and research within Scotland's universities. Currently, many academic courses and research projects run by universities already align with the Scottish Government's priorities in addressing a skilled workforce of the future and their economic targets. However, universities also deliver a wide range of courses which may be viewed as not linking in with a skill priority or an economic necessity. EIS ULA expect that academic freedom will be maintained by universities and that any increased oversight by the SFC does not lead to a diminishing of course provision,

because of redirection of funding being prioritised to address skills gaps.

EIS-FELA is also concerned by a growing number of independent training providers (ITPs) who are competing for contracts, particularly around work-based learning and provision for additional support needs, with further education colleges. Whilst the definition of 'further education' given in the Further and Higher Education (Scotland) Act 1992, section 6, specifically mandates for providing for those with additional support needs and assisting those whose first language is not English. Where there have been significant cuts to ASN and ESOL provision, previously highlighted by EIS-FELA, the Bill appears to pave the way, in Part 3, for a growing market in ITPs plugging these gaps, which further compete with colleges.

Concern has already been noted in terms of quality assurance and regulatory checks over ITPs in Scotland's Skills Delivery Landscape – Call for Evidence Analysis of responses to the consultation exercise Analysis report, April 2023 which states “a consistent approach across FE/HE institutions and independent training providers was identified as a key principle in understanding quality of independent training provision. This reflected a view that learners should expect comparable quality and standards of provision irrespective of the skills provider. It was also suggested that independent providers should be subject to inspection and the same level of performance reporting as public sector providers.” Whilst EIS-FELA has supported the professionalising of lecturers in the form of TQFE and registration with the GTCS, it is unclear how ITPs could be subject to the same rigorous standards. Issues identified in the Scottish Government on Purpose and Principles for Post-School Education highlight that migration, technology and AI, public health concerns, reliance on SMEs (often sole traders) and fewer middle skilled jobs compared to high and low-skilled jobs, a demand in wholesale and retail trade, car mechanics and human health and social work are all the target areas for the future of post-school education. It is in those areas colleges should focus on being anchor institutions, not on international commercial contracts, but it is unclear what SFC's focus is.

For example, there is a care crisis in Scotland. The Scottish Trades Union Congress has highlighted this in numerous pieces of work including Profiting from Care. Development of a national workforce plan is necessary to overcome this crisis. Colleges are in a unique position to provide enhanced training and career progression opportunities for social care workers, and they could be provided with targeted funding to do so. The same can be said for environmental jobs, technology and AI, or wholesale. However, EIS-FELA do not want to see a postcode lottery with colleges which have lower tariff courses being penalised over higher tariff provision.

There is one pot of public money being shared amongst a tertiary landscape and that money should not be subject to competition between statutory bodies with skilled and regulated workforces and private un-regulated providers.

PCS response to the call for views on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill

PCS is a Trade Union which represents workers in the public sector, including Skills Development Scotland (SDS) and Student Awards Agency Scotland (SAAS). We represent workers across all grades and we are the only Trade Union that represents the lowest paid staff within core civil service departments; this includes apprentices.

1. The proposals would move the funding and functions related to National Training Programmes and provision for apprenticeships from Skills Development Scotland to the Scottish Funding Council. What do you think of these measures?

This response is on behalf of PCS Union members in SDS and SAAS. We have consulted with Unison and Unite, who also represent union members in affected agencies, and who will submit their own responses separately.

The principle the measures attempt to achieve – all post-school funding being administered by one body – is a fair objective. But the way the Bill attempts to achieve this is flawed. It removes one barrier by creating several others in equally important areas. The absence of any consultation with the workforce or Trade Unions in the affected bodies is extremely apparent in the assumptions it makes. Workforce confidence in the proposed reform is extremely low, particularly since a consultation on options was promised by the government and then rescinded last year.

Workers in all three affected bodies have been left in a state of uncertainty, and it does not appear at present that things will become any clearer until 2026 at the earliest. This is compounded by the fact that not a single Trade Union has been invited to give evidence to the committees scrutinising the Bill. James Withers himself commented, during his evidence on 26 March, that the worker voice was absent. This must be urgently rectified.

2025 is supposed to be the year Scotland becomes a Fair Work nation, so it is quite disappointing that this reform has progressed so far without any worker voice.

First, it must be understood is that what is proposed will at minimum double the size of SFC, in terms of headcount; likely more, as the indicative figures provided by SDS were purely FTE of staff working on NTP, and not any staff involved in related or supporting functions, but at least some of whom must logically be in scope. More than 40% of staff in SDS are on alternative working patterns, so the headcount will be that much larger than the FTE.

Merging a workforce by transferring the larger cohort into the smaller one is not the most intuitive approach; the reverse would have been simpler and likely cheaper, albeit SFC's

statutory status is a complicating factor. It must also be understood that SDS staff already have something of a patchwork of terms and conditions (e.g. different pension schemes) due to earlier TUPEs. This will greatly complicate the transfer process and inflate costs. The financial memorandum, while flawed, is candid about the uncertainty here.

Second, this process seems completely at odds with the Scottish Government's wider public sector reform agenda. Elsewhere, bodies are being encouraged into close alignment without being formally restructured. SDS in fact currently provides shared services to other Enterprise bodies, in keeping with this agenda. This legislation seems out of step with the wider strategy, and there is a risk of knock-on effect to other bodies such as South of Scotland Enterprise which rely on shared services from SDS.

It seems as if the Welsh reform of HEFC Wales into Medr is being viewed as a model for Scotland to follow. But Wales had a different starting point to Scotland. Wales did not have a body with the range of responsibilities that SDS currently does; Welsh skills planning, for instance, has always sat with the Welsh Government. This reform should not proceed without a proper understanding of how it will impact the wider remits of the impacted organisations.

PCS members in SDS are concerned about impact on their own terms and conditions, yes – the comment in the financial memo about capping pensions is particularly alarming – but more than that, they are concerned about what they see as a significant risk to the quality of apprenticeship provision in Scotland. If this reform is carried out in ignorance of how the system currently operates in practice, it will disrupt that system, and learners will suffer.

SDS's integration of skills planning, careers advice, and national training programmes (including apprenticeship funding) has been extremely effective and delivered high-quality apprenticeships for Scotland. Integration has been key to that success, and breaking up SDS is a threat to it. NTP is not a discrete appendage that can easily be removed from SDS without affecting other work. If the goal is greater efficiency, it must be understood that breaking off part of SDS, while potentially streamlining one element of funding, will introduce far greater inefficiencies elsewhere.

It is currently unclear whether SDS will continue to have responsibility for skills planning at all. James Withers recommended in his review that skills planning move to Scottish Government, but there is no mention of that as part of this current reform. This leaves SDS staff working on skills planning in a state of even greater uncertainty than those working directly on apprenticeship funding. To be clear, our members believe that it would be a mistake to separate skills planning from the other work that SDS does.

Staff working on national training programmes do far more than simply administer funds. The design of those training programmes and monitoring to ensure compliance with National Occupational Standards are also crucial elements (not to mention the design of NOS

themselves). For example, on 26 March SDS management gave evidence to the Economy and Fair Work Committee about the work SDS currently does to engage with learners and ensure training programmes meet their needs. Feedback and data from this engagement then informs work carried out elsewhere in SDS. National skills planning is informed by that and other research, and feeds into the work carried out by careers advisors in schools – SDS-employed career advisors are armed with the knowledge of which industries most need apprentices, and which strategic skills gaps have been identified, and this shapes the advice they give to young people.

Breaking up this integration will not improve the system.

Impact of this reform is not necessarily confined only to Scotland. For example, SDS currently manages the procurement of Northern Irish apprenticeship developments. The Bill makes no mention of this and it is unclear whether this element of apprenticeship provision would move to SFC, stay with SDS, or fall.

It is clear from recent evidence to the Economy and Fair Work Committee that training provision bodies are also sceptical.

Ian Hughes from CITB articulated that even if SDS and SFC funding is merged, there will still be a “funding mess” (as he put it), as the number of funding routes will only be reduced by 1 from the current 5 or 6.

Susan Love from ACCA spoke about a need for a national point of contact which can act as a conduit for “getting into schools”. Currently, SDS is the body which can fulfil that need, but its break-up will remove that utility.

Kellie Zdanowicz from STF spoke about independent training providers not being given a voice in the process.

The response to these criticisms may be that integration and effectiveness can be maintained by close alignment and information sharing between SFC and SDS. But that should be the case in the current situation as well. If closer working relationships between the agencies, especially their leaderships, is ultimately what is required either way, then why go through with a costly and disruptive structural change, which will monopolise the planning capacity of both organisations and distract from operational delivery for a minimum of two years?

There are also serious problems with the cost assumptions made, which we will address in the separate consultation on the Financial Memorandum. Suffice to say that the transfer process will cost millions more than estimated. If the goal is to reduce costs, then this Bill will achieve the opposite.

2. The Bill would also move the funding and functions related to college student support from SFC to SAAS so that all student support funding is delivered through SAAS. What do you think of these measures?

SAAS faces the same uncertainty that SDS and SFC do. Although the changes relating to college student support are possibly less seismic, there has been a very similar lack of engagement with Trade Unions or workers in SAAS. At the corporate level, right up to the level of Chief Executive, SAAS are in the dark, and unable to answer legitimate questions from staff about the future of their jobs. There is even less detail available about what change is intended for SAAS than for SFC or SDS, making comment on it impossible.

3. The Bill will provide SFC with powers to make recommendations, issue guidance and to monitor the financial sustainability of post-16 education bodies. What do you think of these measures?

The majority of apprenticeship places in Scotland are allocated through third-party training provision bodies, and a number of representatives of these bodies gave evidence to the Economy and Fair Work Committee on 2 April. They were candid that they felt they had not been afforded a voice in this review until then. SDS works closely with these bodies at present, and PCS members in SDS share many of their concerns. The provisions in the Bill providing SFC with powers to monitor and issue guidance, while well-intentioned, fundamentally misunderstand how in-work apprenticeships in Scotland are delivered at present. The powers in question may be appropriate for monitoring colleges and universities – we will defer to education Trade Unions who know more on that subject – but their applicability to the very different reality of in-work apprenticeships is questionable. Additionally, creating a risk that a multi-year apprenticeship may have its funding pulled mid-way through is not supportive of learners and not conducive to encouraging the take-up of apprenticeships.

4. The Bill makes changes to the governance of the SFC, to take account of its expanded functions, and to ensure that the Council has the skills and experience that it needs. Are the measures sufficient?

The governance elements of the Bill appear to attempt to re-orient the SFC Board away from prior educational experience and towards prior experience of work-based learning, via changing the rules around appointments. There are two primary risks with this approach. The first is that at the inception of the intended reform, the SFC Board will have no experience of NTP. Whatever its makeup, the SFC Board is, at least initially, going to lack the skills and experience of the SDS Board in relation to NTP, which will at the point of inception be the majority of SFC. That is unavoidable and a serious risk.

The second is that in the long term, the removal of the requirement for prior educational experience may institutions over time lead to a loss of important knowledge of educational practice; the SFC will, after all, be retaining most of its current responsibilities.

5. The Bill aims to clarify the process for providing student support to Scottish students studying at private institutions in the UK. Do the measures provide enough clarity? Are the measures sufficient?

We will defer to the education Trade Unions on this question.

6. In your view, what should the outcomes of the Bill be?

This Bill is bad legislation, drafted with good intentions but with insufficient knowledge of the reality of how the impacted organisations operate. The restructure it triggers will cost millions more than estimated in both one-off and ongoing costs.

This is not to say that apprenticeship provision cannot be improved – PCS members believe it can be, and are supportive of new ideas and closer working relations between agencies. A transfer of staff and responsibilities alone will not achieve that.

The affected employers and their workforces all agree on the shared goals of ensuring high-quality apprenticeships and of urgently upskilling the Scottish workforce, to ensure that we have sufficient skilled workers in areas such as construction and engineering. This reform is a distraction from and an impediment to that work.

The Scottish Skills Review 2025 is a government priority, intended to look at the economic factors required to address business needs in terms of skills provision (and/or the lack of it), to keep our economy competitive and fill any skills gaps identified, for growing/expanding businesses in the Scottish economy, and also to deal with the demographic need to replace an aging skilled workforce in specific industries like engineering. In order to keep pace with other European countries, we need to address skills gaps, and make sure we have the skilled workforce necessary to compete on the world stage, and draw investment into the country. The Skills Review is core to achieving this. However, if NTP staff, who are the holders of much of this information and who are expected to work collaboratively with partner agencies on the Review, are absent, preoccupied, stressed, or simply less effective due to going through a TUPE transfer or adjusting to a new employer, then the Skills Review is in jeopardy.

It would be better to take a step back from this draft legislation, properly engage with the workers involved in apprenticeship provision, and then formulate a plan based on a full understanding of the current system.

UNISON Scotland's response to the call for views on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill

UNISON Scotland is Scotland's largest Trade Union and represents members in education at every level from pre school to Higher education and everything in between. We are also the biggest union in Skills Development Scotland and as such have a particular interest in the provision and support of National Training Programmes. We are pleased to be able to contribute to the Education, Children & Young People's Committee's consideration of the Bill.

1. The proposals would move the funding and functions related to National Training Programmes and provision for apprenticeships from Skills Development Scotland to the Scottish Funding Council. What do you think of these measures?

We do not believe that this move should take place it is a move fraught with risk; to apprenticeship quality, funding and volume of apprenticeships, as well as raising a variety of staff concerns.

The goal of merging the Modern Apprenticeship (MA) elements of Skills Development Scotland (SDS) into the Scottish Funding Council (SFC) is not clearly defined. the merger appears to be a reshuffling of public sector organisations without a clear strategic policy driver and as such unlikely to deliver improved outcomes.

There is a significant mismatch between the budgets managed by the Scottish Funding Council and the annual budget for Modern Apprenticeships. This raises concerns about the sustainability of apprenticeship funding and the potential reduction in the number of apprenticeships offered. There is no sign that colleges and universities have or will be given a directive to ring-fence funding for apprenticeships. UNISON is concerned that this funding could be diverted to other areas, impacting apprenticeship delivery.

The Bill does not provide clear assurances that apprenticeships will be allowed to grow and develop in the future. There are conflicting statements and no real assurance that apprenticeships will receive the support necessary to thrive. There is scepticism about whether the merger will improve apprenticeship delivery. We very much fear that institutional inertia and lobbying from the college and university sectors could dilute the quality and volume of apprenticeships. Included in this are concerns that transfer of SDS staff to SFC could lead to an imbalance in staff numbers and budget management. We are concerned this could negatively impact the delivery of apprenticeships.

The transfer could lead to delays in updating apprenticeship frameworks, which are crucial for maintaining the quality and relevance of training. This could result in apprentices being trained using outdated standards, affecting productivity and safety.

The Bill leaves a significant lack of clarity about the government's long-term plans for Skills

Development Scotland. National Training Programmes (NTP) are only one element of what SDS does, and many other strands of work are interlinked with it. We are concerned about whether this interlinked work will remain with SDS, be included in the transfer, or if there are further transfers to follow.

2. The Bill would also move the funding and functions related to college student support from SFC to SAAS so that all student support funding is delivered through SAAS. What do you think of these measures?

Our members are sceptical that it would be sensible to give SAAS a greater role. Their experience is that SAAS is routinely late with its policy and allocations for HE students in FE colleges, and consistently fails to meet the needs of HE students in FE colleges who often struggle to get funding in place before the start of their courses. SAAS are a small organisation who specialise in HE funding and do not have the knowledge base required to deal with FE funding, They are perceived as being overworked and unresponsive – students are often unable to contact them when they need to.

We would also point to the unique status that Modern Apprentices have in the tertiary education sector. They are not simply students but employees, albeit on sometimes very low wages, but their continued employment is dependent on them achieving at college. This adds a complexity to their situation that is unlikely to be helped by centralising funding and support systems for them.

3. The Bill will provide SFC with powers to make recommendations, issue guidance and to monitor the financial sustainability of post-16 education bodies. What do you think of these measures?

We are supportive of greater regulatory and financial oversight over the tertiary education sector. However, it has been noted that the existing SFC approach to monitoring financial sustainability is largely concerned with the short-term financial position of institutions, taking insufficient account of the long-term viability, with regards to academic quality and student experience. This for example is impacting on the ability of Scottish HEIs to attract and retain students. Greater oversight in relation to working conditions and fair work principles (impacting the capacity of institutions to attract and retain staff) would not go amiss.

In addition, the use of certain enforcement mechanisms (such as recovery of funding from providers) have a tendency to prioritise the appearance of fiscal responsibility over institutional need and genuine utility in supporting the provision of tertiary education as a valuable public service.

In relation to apprenticeships the measures in the Bill are severely lacking. The Bill does not provide clear assurances that apprenticeship delivery will be maintained. We are concerned that funding could be used for other areas, leaving apprenticeships underfunded. Ideally the Bill would include provisions to ring-fence funding for apprenticeships, similar to the current approach through SDS. This would ensure that apprenticeships receive adequate financial support. The Bill should, but currently does not, give clarity for all parties and stakeholders

that apprenticeships are crucial for developing the skills required by employers to achieve Scotland's economic growth aspirations and support social mobility.

4. The Bill makes changes to the governance of the SFC, to take account of its expanded functions, and to ensure that the Council has the skills and experience that it needs. Are the measures sufficient?

Section 15 as currently written would repeal paragraph 3 sub-paragraph 2 of Schedule 1 of the 2005 Act, which instructs Scottish Ministers to have regard for the desirability of including persons currently engaged in provision of Further and Higher Education, as well as for the breadth of expertise in the Council as a whole. We do not believe this would be helpful.

We are, as stated earlier, opposed to the transfer of National Training Programmes and Modern Apprenticeships to the SFC and our comments on structures proposed in the Bill should be read with that in mind.

Should the transfer proposed in the Bill go ahead it is a certainty that the SFC Board will initially lack the skills and experience of the SDS Board in relation to NTP. This poses a serious risk to the effective delivery of these programmes.

Our concern about the implied downgrading in the institutional weight these programmes would have in the proposed new structure is amply demonstrated in the way that apprenticeships are not a matter for the Council itself, but one member of the Council chairing a committee. Compare and contrast that with the current scenario of a dedicated stand-alone agency.

We will note in passing that nowhere is there a suggestion that there should be a board member representing the interests of the workforce in tertiary education.

5. In your view, what should the outcomes of the Bill be?

What the outcomes of the Bill should be, and the likely outcomes if the Bill is passed in its current form are likely to be very different things.

The Bill represents a missed opportunity to create a better regulatory and funding environment for Scottish Higher Education. This is the case even if we set aside the clear and persistent need for a radical reform of how funding operates and the need to create a sustainable funding model. We are seeing increasing discrepancies across providers, particularly in regard to fair work.

The Bill should, but does not, provide clear assurances that apprenticeships are a priority and will be supported adequately. Ideally with ring-fenced funding and that there is a strategic policy driver for apprenticeship delivery.

Neither the Bill, nor its accompanying documentation, outline how aligned collaboration of SDS and SFC staff will enhance the delivery of apprenticeships and meeting employer needs effectively. The practical considerations needing to be addressed to ensure that the

integration of SDS and SFC systems provides a seamless experience for learners, employers, and learning providers, are barely considered.

The voices of workers in all affected organisations need to be listened to and given a real opportunity to shape the process. Proper consultation with recognised trade unions could mitigate many of the risks associated with the Bill.

Scotland currently has a reputation for high-quality post school education and training, and it is essential that this is maintained. The Bill should ensure that the quality of apprenticeships does not suffer due to the proposed changes. We have little confidence that Bill as a whole will deliver this.

Unite the Union - SFC Branch response to the call for views on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill

Unite the Union is the recognised trade union for staff at the Scottish Funding Council.

Questions on Part 1 of the Bill

- 1. The proposals would move the funding and functions related to National Training Programmes and provision for apprenticeships from Skills Development Scotland to the Scottish Funding Council. What do you think of these measures?**

Our position as the recognised trade union at the Scottish Funding Council with regard to these proposals is that during the passage of this legislation right through to the conclusion leading to the transfer of staff from SDS to the SFC and any TUPE arrangements, pay harmonisation and organisational restructuring, etc., the Scottish Government and respective senior management teams fully and meaningfully consult with the recognised trade unions across the organisations involved. This also extended to the proposals which would see functions and possible staff transfers from the SFC to SAAS.

Our response to each of these questions, therefore, remains the same. Regardless of the eventual outcomes of the proposals, the Scottish Government has previously committed to the joint unions that full and meaningful consultation would take place with the trade unions across the organisations involved. However, the last meeting between Scottish Government and the joint trade unions took place on 9 December 2024, so it is disappointing that further engagement has not taken place over the four months that have passed in the interim. There may be valid and extenuating reasons for this, but if so these need to be communicated to the joint unions to ensure that we are fully informed for, and can make representations on behalf of, our respective memberships.

Further, our position is that as the recognised trade union at the Scottish Funding Council we have established a commitment from the senior management team at the Council to full and meaningful consultation. This has taken place thus far though is, in effect, being somewhat stifled by the long pause in meaningful consultation from the Scottish Government. We would like to see a renewed commitment from, and concomitant actions by, the Scottish Government on full and meaningful consultation with the joint unions.

2. The Bill would also move the funding and functions related to college student support from SFC to SAAS so that all student support funding is delivered through SAAS. What do you think of these measures?

Our position as the recognised trade union at the Scottish Funding Council with regard to these proposals is that during the passage of this legislation right through to the conclusion leading to the transfer of staff from SDS to the SFC and any TUPE arrangements, pay harmonisation and organisational restructuring, etc., the Scottish Government and respective senior management teams fully and meaningfully consult with the recognised trade unions across the organisations involved. This also extended to the proposals which would see functions and possible staff transfers from the SFC to SAAS.

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Questions on Part 2 of the Bill

4. The Bill makes changes to the governance of the SFC, to take account of its expanded functions, and to ensure that the Council has the skills and experience that it needs. Are the measures sufficient?

Our position as the recognised trade union at the Scottish Funding Council with regard to these proposals is that during the passage of this legislation right through to the conclusion leading to the transfer of staff from SDS to the SFC and any TUPE arrangements, pay harmonisation and organisational restructuring, etc., the Scottish Government and respective senior management teams fully and meaningfully consult with the recognised trade unions across the organisations involved. This also extended to the proposals which would see functions and possible staff transfers from the SFC to SAAS.

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Questions on Part 3 of the Bill

5. The Bill aims to clarify the process for providing student support to Scottish students studying at private institutions in the UK. Do the measures provide enough clarity? Are the measures sufficient?

Our position as the recognised trade union at the Scottish Funding Council with regard to these proposals is that during the passage of this legislation right through to the conclusion leading to the transfer of staff from SDS to the SFC and any TUPE arrangements, pay harmonisation and organisational restructuring, etc., the Scottish Government and respective senior management teams fully and meaningfully consult with the recognised trade unions across the organisations involved. This also extended to the proposals which would see functions and possible staff transfers from the SFC to SAAS.

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Further comments

6. In your view, what should the outcomes of the Bill be?

Our position as the recognised trade union at the Scottish Funding Council with regard to these proposals is that during the passage of this legislation right through to the conclusion leading to the transfer of staff from SDS to the SFC and any TUPE arrangements, pay harmonisation and organisational restructuring, etc., the Scottish Government and respective senior management teams fully and meaningfully consult with the recognised trade unions across the organisations involved. This also extended to the proposals which would see functions and possible staff transfers from the SFC to SAAS.

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University and College Union Scotland response to the call for views on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill

The University and College Union (UCU) is the largest trade union in the post-16 education sector in the UK, representing 120,000 academic and related members across the UK, and is the largest union in the higher education sector in Scotland with over 9,000 members in Scotland's universities.

UCU represents academic workers (including teachers, researchers, professors, teaching fellows, graduate teaching assistants, post-graduate researchers and other "early careers" academics, etc.), as well as professional support staff (including librarians, administrators, IT staff, student support staff, human resources staff etc.) in Scottish higher education institutions. UCU does not organise in the college sector in Scotland and our submission therefore focuses on higher education.

1. The proposals would move the funding and functions related to National Training Programmes and provision for apprenticeships from Skills Development Scotland to the Scottish Funding Council. What do you think of these measures?

We have answered questions one and two together because our interest primarily relates to the size and specialisation of the body overseeing higher education to which both questions relate. In our submission to the Scottish Government's consultation on legislation on post-school education and skills reform in September 2024, we raised our concern that adding additional roles to the Scottish Funding Council (SFC) could have the effect of making the organisation one which is less specialist and agile. Nothing has changed since then to alter our view. We do not regard the SFC as perfect, indeed later in this submission we will make the case for reform and enhanced powers around governance, but we do appreciate and value the SFC's focus and specialisation on the further and higher education sectors. Scaling up the organisation to also lead on skills and apprenticeships risks dilution of that focus. Apprenticeships are a key area of policy, critical in itself and deserving of its own specialist agency. Merging those specialisms risks the creation of a single, amorphous quango and risks damaging all sectors. When functions move between organisations there may be potential for synergies, but we need to be careful that chasing savings does not detrimentally impact the future of the higher education sector, particularly at a time when the sector is facing multiple challenges. We welcomed the committee's evidence session on 19 March with members of the senior leadership group at the funding council. The committee questioned these witnesses on their scrutiny of Dundee University during the current crisis and their knowledge or otherwise of what was happening. They were also asked about the SFC's ability to have earlier warning and oversight of things going wrong in institutions rather than being reactive as in the case at

Dundee. The same questions could be asked around the many previous failings and bad practice of senior leadership in universities. Giving the SFC additional areas to oversee and fund; and making it a larger, more generalist institution with less focus on Scottish higher education raises questions as to whether it will pick up at an earlier stage similar failures of leadership and governance in the future.

2. The Bill would also move the funding and functions related to college student support from SFC to SAAS so that all student support funding is delivered through SAAS. What do you think of these measures?

We have answered the general question about the size of organisations and their specialisation in answer one. On the specific of SAAS taking on college student support we do not have concerns around this proposal.

3. The Bill will provide SFC with powers to make recommendations, issue guidance and to monitor the financial sustainability of post-16 education bodies. What do you think of these measures?

We support the provisions in the bill on monitoring the financial sustainability of post-16 education, although we note that the 2005 Further and Higher Education (Scotland) Act already provides strong powers to the SFC which are manifested in the Financial Memorandum between the SFC and institutions. These include the powers to withhold funding and for the funding council to attend and speak at meetings of governing bodies in relation to financial matters and to require necessary documentation around efficiency. The proposals contained in the draft, specifically 9(2) on monitoring the financial sustainability of post-16 education bodies and reporting, on request, to Ministers are welcome, especially given recent events. We would note, however, that as events in Dundee show, to be effective and mitigate the actions of possible bad actors, monitoring requires more than simply engaging with what is reported to the funding council, and may require a more intensive and investigative approach. We believe such an approach is easier and more likely to occur within a focused, specialist organisation rather than one with a wider remit. We consider that the existing powers from the 2005 Act should have been sufficient to prevent the crisis at Dundee. It is clear that there has been a failure of management and governance, and we welcome the independent investigation into the crisis which is being sponsored by the SFC. We worry that that merging into a larger, more generalist organisation, may make early intervention less likely. The ideal situation would be to prevent crises such as at the University of Dundee from occurring in the first place rather than requiring the funding council to step in after the event. The independent inquiry into Dundee should help to uncover what went wrong, however, we also believe that further reform and bolstering of university governance beyond the limited measures passed in the 2016 Higher Education Governance Act could help. We set out what further reform could look like in answer to question 6 under 'further comments' on what the outcomes of the bill should be.

4. The Bill makes changes to the governance of the SFC, to take account of its expanded functions, and to ensure that the Council has the skills and experience that it needs. Are the measures sufficient?

Clearly if the SFC is to take on new functions relating to National Training Programmes and provision for apprenticeships then the board should reflect this. Again, we would comment that the addition of these new functions and positions on the board risks diluting the knowledge and experience in relation to Scottish higher education.

We also have a general comment on the makeup of the board as appointed by Scottish Ministers. The current board comprises predominantly of college and university principals, former principals, senior managers, chairs of governing bodies and former politicians. Clearly expertise and knowledge is, as we have argued, necessary and welcome but from a survey of biographies of the current board it would be hard to find anyone who could be said to reflect a worker or trade union voice on the board or committees. Representatives of those communities, who are most impacted by the decisions of the SFC and the health of post-16 education, would be a welcome addition to the board.

During the Scottish Government's consultation on legislation on post-school education and skills reform we were clear in our submission of the need to ensure the SFC continues to be independent from government and ministerial control. While the bill proposals do not impact upon this status, we believe it should be at the forefront of the committee's thinking as the bill progresses through Parliament, given it is a precursor for institutional responsible autonomy and academic freedom.

5. The Bill aims to clarify the process for providing student support to Scottish students studying at private institutions in the UK. Do the measures provide enough clarity? Are the measures sufficient?

UCU opposes proposals that would encourage the growth of private higher education providers in Scotland. We believe that higher education is a public good and that universities provide a public service and that the introduction of private provision in Scotland, primarily in the college sector, and more widely in England is detrimental to education and the sector. We have been assured that the measures in the bill simply tidy up current practice around student support in the further education sector, but we would not support further measures that sought to expand the private sector in Scottish higher education.

6. In your view, what should the outcomes of the Bill be?

Outcome frameworks and consultation with trade unions:

The 2005 Further and Higher Education Act, requires universities, in preparing an outcome agreement, to consult with trade unions in drawing up that agreement. While the legislation

refers specifically to widening access, in practice this allowed trade union branches the ability to engage with their employer on the outcome agreement more generally. The move to outcome frameworks, and subsequent new guidance, makes no mention of consultation with trade unions and, as result, trade union branches have lost an important ability to contribute to the main agreement universities have with the SFC. This is an issue we have raised with a previous Minister, and directly with the funding council on a number of occasions. Despite the requirement still being in the 2005 act, the fact it is not currently being observed means that we would welcome the requirement being updated and included in the current bill.

Further governance reform:

As indicated in our response to question three, we see an urgent need for further reform of university governance. Our asks on this are not new, and were reflected in a number of parties' manifestos for the 2021 Scottish Parliament elections, The need for reform has been brought to the fore by the apparent failures in governance at the University of Dundee where the university appears to have been heading towards a substantial deficit without anyone on the governing body being aware. The investigation into events at Dundee is at a very early stage at present but at the root cause of governance failures, we believe is the lack of robustness in university governing bodies and the lack of challenge coming from board members who may be unwilling or unable to challenge senior leadership in universities. Even the limited measures from the 2016 act have in part been 'managed' by university senior management to ensure that business has broadly continued as usual. We have seen ordinances changed by universities to restrict and prevent the involvement of trade union branches and student associations in elections for senior lay members (who chair university governing bodies); and trade union nominees feeling singled out by the over emphasis on the need to comply with good governance principles in the code of good university governance sections on the responsibilities of governing body members. We are clear that all members of a university court should act in accordance with the principles of good governance. However, the repetition in the code, which is at times reiterated in person to trade union nominees, makes those trade union nominated members of governing bodies feel singled out from other members, and that there is an unfair view that trade union members and trade union nominated positions are uniquely at variance with the best interests of the institution. It is clear that a more robust governing body with members, including trade unionists, willing to question and challenge senior leadership positions is precisely what is needed now more than ever.

UCU suggests a number of measures for possible future reform whether in this bill or in the future. We believe they are worthy of scrutiny and discussion. One of the challenges with the passage of the 2016 act was the refusal of university principals and then chairs to engage with the legislation and move from their position of outright opposition. We would hope that any future reform could be conducted in a more collegiate manner to ensure the future good governance of the sector. Measures we would promote would include returning to the election of senior management positions as has historically been the case in Scottish higher

education; requiring substantially increased transparency of governing body meetings (the current code references an annual open meeting, but we see no reason why the presumption could not be for meetings to be held in public with closed sessions rare exceptions); the review of the balance between elected and lay members; the majority of court members being elected by staff and students; and staff members being the majority of the selection committee for university principals.

Principals' and senior pay:

UCU is also of the view that is beyond time that restraint was put on the issue of university principals' and senior staff pay. This year we have seen the principal of the University of Stirling awarded a total salary of £ 414,000, an increase of £ 119,000 over the past two years, to become the highest paid principal in Scotland. There are three main ways you could look to limit senior pay in universities. They are by imposing a ratio set to average staff salary; by simply setting a maximum limit; or by bringing the setting of senior pay in universities into the current collective bargaining arrangements ensuring senior management, including the principal, all sit on an extended pay framework.

The model UCU has long promoted is to bring senior pay into the national framework agreement for pay. For most university academic and academic related-staff, up to but not including professorial level and above, their grading and pay spine is set out in the framework agreement. UCU believes that all university staff including professors and principals should be included in this single pay system, so the pay of all staff is relative to all. This was one of the key recommendations of 2012's von Prondzynski review of higher education governance.

The call for reform is coming from the governance structures of universities themselves. For example, we are aware that the Senate at the University of Aberdeen recently called for the selection committee for their next principal to comprise substantial staff and student representation, and for the successful applicant to be paid substantially lower than the incumbent.

Fair work:

The SFC is required to encourage compliance with Fair Work First in universities and other bodies it funds. UCU members' experience is that employers are able to evidence themselves to be fair work employers while engaging in practices that, in any normal understanding, would not be regarded as being fair work, especially around insecure and precarious working conditions, race, gender and disability pay gaps.

The SFC attempts to promote fair work by attaching fair work first criteria to funding and then monitoring how institutions align with the criteria. In practice this means simply monitoring what institutions report in their annual reports on fair work and that there is a statement agreed locally by the university and trade union branches. We understand that where universities pay the living wage and simply recognise a trade union, this ticks the box, whereas we see fair work being

much more meaningful in practice.

We would also like to see there being a direct channel for trade union branches to be able to comment direct to the funding council, the funder, on their experience of the employer around fair work. This would not interfere with local industrial relations, but rather allow the SFC to have an accurate picture of fair work in the bodies they provide public money too beyond what the employers report. In essence this is a similar argument to that over funding and reports on finances. The SFC need to be able to hear direct what an employer is doing rather than relying on what the employer choose to tell them, and given tools to address any failures on fair work.

Given the importance of the fair work agenda to workers and trade unions, we would also look for the SFC to engage directly with the campus trade unions at a national level on how they monitor fair work in the sector. This does not happen at present.

Federation of Small Businesses Scotland response to the call for views on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill

The Federation of Small Businesses (FSB) is Scotland's leading business organisation and aims to help smaller businesses achieve their ambitions. These micro, small and medium businesses comprise almost all enterprises in Scotland (99%), employ over 900,000 people and turn over £93bn annually.¹

Small businesses in Scotland are facing growing skills challenges that impact their ability to thrive. Key industries such as construction, care, hospitality, and digital are experiencing persistent shortages of skilled workers. Many businesses also struggle with a widening digital skills gap and an ageing workforce, with not enough young talent entering these sectors. A recent report by the Fraser of Allander Institute found that 15% of employers reported skills gaps in their workforce and that of those employers reporting vacancies (one quarter of those surveyed), 31% of these were skills shortages.² Limited time, resources, and access to training make it difficult for small firms to upskill their teams, especially in emerging areas like sustainability and green technology.

We must prepare and plan for these gaps by preparing the workforce of the future now. Apprenticeships could play an important role in this but remain underutilised. FSB data, taken from the Big Small Business Survey³ showed that four fifths of small business employers had not ever taken on an apprentice, evidencing that employers are hesitant to commit to employing an apprentice.

The Tertiary Education and Training (Funding and Governance) (Scotland) Bill provides an opportunity to pave the way for increased delivery of apprenticeships. This can be achieved through collaborative working between government, public bodies and the private sector to design apprenticeships that meet employer and economic need and target the sectors where the greatest skills gaps and shortages appear.

Looking at some of the barriers for some of the smallest employers to employing an apprentice, FSB's Big Small Business Survey found that a lack of time and resources, a complex process and fear that they would not retain the apprentice, were the most prevalent. The Bill provides an opportunity to break down these barriers for the smallest employers, instead positioning apprenticeships as a mechanism to support their business to grow. Apprenticeships should be designed to support lifelong learning and be accessible not only to young people but also act as a delivery mechanism for reskilling and upskilling existing staff.

¹ [Businesses+in+Scotland+2024+Tables.xlsx](#)

² [Skills-for-today-and-tomorrow-final-for-publication.pdf](#)

³ [FSB Policy Report | Big Small Business Survey by Federation of Small Businesses - Issuu](#)

In response to the questions posed in the Call for Views, we believe that the following should be considered by the Scottish Government as the Bill progresses:

- Increase the number of apprenticeships available to support demand and fill the skills gaps and shortages that exist
- Create a new financial incentive to encourage small businesses to employ an apprentice
- Apprenticeships should be more readily available for all ages and used as a mechanism for lifelong learning and upskilling, which is vital for the future of the Scottish economy
- Commit to the continuation of the Scottish Apprenticeship Advisory Board (SAAB) or ensure that a similar structure is implemented to continue the work that has been undertaken by SAAB and its associated groups to date

Statutory requirement to increase the number of apprenticeships

Looking specifically at Modern Apprenticeships (the type most likely to be delivered by small businesses and the most popular apprenticeship in general), Skills Development Scotland (SDS) supported the delivery of 25,000 during 2023/24.⁴ This was a slight decline on the previous year of 0.3%⁵ but generally in line with the number delivered since 2021/22.⁶

However, if we look slightly further back,⁷ we can see that between financial years 2017/18 and 2019/20 the number of Modern Apprenticeships starts were around 27,000. The reason behind the increased numbers delivered pre 2021 was due to a commitment by the Scottish Government in 2014 (following on from a recommendation from the Commission for Developing Scotland's Young Workforce, published in June 2014) to increase the delivery of new Modern Apprenticeship starts year by year from 25,000 to 30,000 by 2020/21 which additionally, has been fuelled by skills gaps and shortages. Understandably, the pandemic halted the number of Modern Apprenticeships in 2020/21. While the 2022/23 data shows that Modern Apprenticeship starts are at 93% of pre-pandemic levels, need will continue to increase due to the ageing population and skills gaps and shortages. The Bill provides an opportunity to reverse the fall in the number of apprenticeships.

It is imperative that if the provision for apprenticeships is moved to the Scottish Funding Council, that there is a statutory requirement which commits to increasing the number of apprenticeships year on year.

⁴ [Modern Apprenticeship Statistics, up to the end of Q4 2023/24](#)

⁵ <https://www.skillsdevelopmentscotland.co.uk/media/malh0tir/modern-apprenticeship-statistics-quarter-4-2022-23.pdf>

⁶ [Breakdown of Skills Development Scotland Modern Apprenticeships: FOI release - gov.scot](#)

⁷ [Modern Apprenticeships: FOI release - gov.scot](#)

Aligning the needs of apprenticeships with the needs of employers

The Bill makes reference to ‘the consideration of skills needs and socio-economic issues’ and details that the Scottish Funding Council will have responsibility for ensuring that skills needs be addressed ‘by the provision of programmes of training for employment, Scottish apprenticeships or work-based learning – in addition to further education or higher education’.

As already discussed, there are significant skills gaps and shortages across Scotland, which are more prevalent in some sectors. These industries are fast evolving and will depend on the future workforce and upskilling of the existing workforce to fill the gaps. A key delivery mechanism of this will be through collaborative working between government and employers to undertake a review of where the gaps and shortages lie and how the skills for future can be developed between educational establishments (at all levels) and businesses. Apprenticeships will form one strand of this, and it is essential that future apprenticeships are developed to ensure the skills they are developing are directly relevant to the job market.

During Scottish Apprenticeship week 2025, FSB Scotland undertook case studies⁸ with employer and apprentice pairs to understand the challenges they faced during the process and how they overcame them to experience a positive apprenticeship programme. Prior to taking on an apprentice, the employers explained that their concerns centred around time constraints, resource needs, capacity and where the apprentice would ‘fit in’ to their business. The case studies found that once the employer had taken the leap, the benefits were significant to the business, apprentice and other employees within the organisation. One of the key takeaways from the case studies was that by employing an apprentice, the opportunity naturally arose to align the apprentice’s skills with existing skills gaps in the business. There was also an opportunity to develop the existing workforce by allowing them to progress their leadership skills by working with the apprentice, which in turn provided them with an opportunity to upskill.

Incentivisation for employers

Access to funding continues to be unclear for small businesses and contributes to their hesitancy when considering employing an apprentice. Currently, funding for apprenticeships is either delivered directly by Skills Development Scotland or through a learning provider. The level of contribution depends on the age of the apprentice, the type of apprenticeship and the SCQF level. However, there are usually additional costs during an apprenticeship which are required to be funded by the employer, such as having to offer competitive salaries above National Minimum Wage (to attract and retain good candidates), training costs (staff training, travel expenses), staff time for supervision, and equipment or tools.

In response to the pandemic, the Scottish Government announced additional support in

⁸ [National News | Scottish Apprenticeship Week 2025](#)

2020 through the Apprenticeship Employer Grant. The grant was introduced to encourage more employers to take on an apprentice or upskill existing staff. Demand for the grant exceeded expectations with over 77% of the starts being new recruits.⁹ While the pandemic played a factor in the downturn of apprenticeship uptake, it is evident that there was demand for financial support for employers considering hiring an apprentice.

With small businesses continuing to experience high running costs and increasing pressures, the additional financial burdens associated with employing an apprentice is a factor which discourages them from taking the leap, with 40% of respondents to FSB's Big Small Business Survey citing this as a factor. While there are no proposals to directly financially support employers to take on apprentices contained in the Bill, there are proposals to allow Ministers to make grants to the Scottish Funding Council for purposes related to funding. There is an opportunity here, specifically in those industries where the skills gaps and shortages exist, to **consider how to financially support small businesses with the costs associated by employing an apprentice.**

Lifelong learning

The Scottish Government has recognised that there is demand for apprenticeships, with the recent announcement that there will be £100 million funding to support Modern and Foundation Apprenticeships for the current financial year (2025-2026), which they say will deliver 25,500 Modern Apprenticeships.¹⁰

While it is encouraging that the expected number to be delivered has not dropped, evidence shows that a number of factors will contribute to the demand for skills for the future, indicating that more Modern Apprenticeships will be needed.¹¹ Many sectors in Scotland, like construction, engineering, health and social care, and digital technology, are facing critical skills gaps and small businesses are not exempt from this. The risk of employing an apprentice is higher for a small business, who often lack the resources of larger businesses. By supporting small businesses to employ an apprentice, there is an opportunity to help their business to grow.

There is also an opportunity to evaluate how easy it is to access Modern Apprenticeships. An element of the Bill looks at lifelong learning and apprenticeships play a key role in this. The proposals suggest that apprenticeships should be available not just to young people entering the workforce but also to adults looking to reskill or upskill throughout their careers.

While the current Modern Apprenticeship criteria states that there is no upper age limit for those seeking to obtain an apprenticeship, funding available to those over 25 is often heavily reduced and only available for specific apprenticeships (the contribution available to employers varies dependent on age, apprenticeship type and SCQF level). Additional funding incentives are available for groups who may find it harder to access work, however this means there is a large group of people who cannot access Modern Apprenticeships as

⁹ [other-skills-initiatives-quarter-4-2020-21.pdf](#)

¹⁰ [Apprenticeship funding - gov.scot](#)

¹¹ [skills-for-today-and-tomorrow-thought-leadership-report](#)

they do not fit the typical age or additional funding incentives criteria.

While the Bill focusses on further and higher education, we must be mindful that there are opportunities to build the skills for the future during school years. Work experience could play an important role in this by enabling young people to develop a number of skills; the practical application of knowledge, refining soft and hard skills and exposure to real world problems, while employers can benefit by identifying areas of skills gaps, accessing the talent pipeline and improving current employee skill sets by offering opportunities to work with the next generation.

Making Modern Apprenticeships more accessible will support people who are pursuing further/higher education at a later stage than school leaver. Doing so would support the Bill's suggestions for greater integration between apprenticeships and formal higher and further education. This could make it easier for apprentices of all ages to move between on-the-job training and obtain academic qualifications. For instance, there could be more opportunities for apprentices to pursue further studies after completing an apprenticeship, potentially leading to higher-level qualifications like degrees. As the current framework stands, there are limited Modern Apprenticeship opportunities for over 25s, making it incredibly difficult to obtain formal qualifications while working. **This could be improved through enhancing the structure and flexibility of Modern Apprenticeships to make them more appealing and adaptable to a wide range of learners**

Scottish Apprenticeship Advisory Board (SAAB)

A critical component of the governance of the Scottish Funding Council will be ensuring that there is enhanced coordination between public bodies and the private sector to create a unified approach to apprenticeships. This should include stronger partnerships between colleges, universities, training providers, and employers to ensure that apprenticeship programmes meet both educational and industry standards.

At present, Skills Development Scotland co-ordinate and deliver the Scottish Apprenticeship Advisory Board (SAAB) and the associated sub-groups which directly feed into SAAB. SAAB's priorities include policy, standards and frameworks, communications and funding. The purpose of SAAB is to ensure that apprenticeships are developed, aligning with industry and economic need.

Complementing the SAAB, the Apprenticeship Approvals Group is an employer led group which is aimed at ensuring that Scottish Apprenticeships meet the needs of employers.

FSB Scotland has been a member of SAAB since 2017 and we have found our involvement to be beneficial, creating positive working relationships with other group members and Skills Development Scotland. FSB value our involvement in this group and work closely with

Skills Development Scotland to ensure that there is representation from small businesses in the relevant sub-groups.

As we move towards a period of reform, there is uncertainty surrounding the future of these groups. Under the Explanatory Notes, Section 17 of the Bill, there is a proposal that an Apprenticeship Committee should be established which would advise on matters relating to apprenticeships. It is unclear if this is intended to act as a replacement for the current advisory groups or if it would run in addition to the groups already functioning.

We wish to highlight the importance of the function of SAAB and associated groups, as they provide the vital link between public bodies, the private sector and apprentices. If the intention is to dissolve these groups, **we firmly believe that the proposed Apprenticeship Committee and any related groups are designed to include representation from those previously mentioned.** We also believe that there is an opportunity to include more small business representatives, including those who have not yet employed apprentices, as they can bring the perspective of businesses who are wary or unsure of how to access the apprenticeship programme.

Conclusion

Scotland's small businesses are the backbone of the economy, yet they face persistent and growing challenges in accessing the skills they need to thrive. Apprenticeships present a powerful solution to address these gaps, support lifelong learning, and strengthen the talent pipeline—but they remain significantly underutilised by small employers due to barriers around cost, complexity, and capacity. The Tertiary Education and Training (Funding and Governance) (Scotland) Bill offers a timely opportunity to reshape the apprenticeship system.

To achieve this, it is essential that the Scottish Government commits to increasing the number of apprenticeships, ensures a new model of funding for employers is available, and designs a more flexible, inclusive system that supports individuals at all stages of life and career. This must be done in partnership with small businesses, through structures like SAAB or a similar advisory body, to ensure their voices continue to shape the system. By removing barriers and aligning apprenticeships with the real needs of small businesses, we can unlock their potential as drivers of economic recovery and growth across Scotland.

Scottish Apprenticeship Advisory Board response to the call for views on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill

Part 1

The proposals would move the funding and functions related to National Training Programmes and provision for apprenticeships from Skills Development Scotland to the Scottish Funding Council.

What do you think of these measures?

The Scottish Apprenticeship Advisory Board (SAAB) was established in 2016 as recommended by the Commission for Developing Scotland's Young Workforce and serves as an independent, industry-led board providing leadership on matters affecting apprenticeships in Scotland. Comprising over 80 members from diverse organisations, including public, private, and third sectors, as well as large multinationals and SMEs and micro businesses. SAAB plays a fundamental role in shaping the design, development, approval and delivery of apprenticeships and acts as the authentic industry voice on apprenticeships for Scotland.

SAAB made a submission to the Post-School Education Skills Reform (PSESR) Consultation in September 2024. Within this submission SAAB recognised the opportunity reform presents to make fundamental improvements to the skills system. However, SAAB did not select any of the options from the consultation options due to insufficient detail and lack of consideration regarding system capability and capacity, how changes would be measured, and the outcomes expected.

SAAB noted that the consultation could have included more ambitious plans to enhance or improve the role of Skills Development Scotland (SDS), as well as to integrate the skills, expertise, capabilities, and systems of both SDS and the Scottish Funding Council to address skills shortages and support the broader workforce.

In relation to the Tertiary Education and Training Bill, SAAB would like to provide feedback related to two ongoing concerns which were covered in the submission to the PSESR consultation. These are:

- The need to safeguard funding for and provision of apprenticeships and protect and enhance the apprenticeship programme in Scotland.
- The need to maintain an industry-led approach to demand assessment, design, development, approval, and delivery of apprenticeships within the post-school education and skills infrastructure – as a necessity. Recognising that employers understand their strategic workforce needs.

We are concerned the Bill does not address these issues and therefore the potential benefits of reform will not be delivered, involve significant costs, and introduce risks that will take many years to mitigate - without cost savings or financial return.

SAAB is unapologetically ambitious for apprenticeships; we want there to be an apprenticeship available to every young person in Scotland who wants to do one, and for any employer to be able to access apprenticeships in their field.

SAAB is not saying that apprenticeships are the only route to successful careers for our learners, but we do view apprenticeships as being one of the key solutions to creating and sustaining future workforces.

On the above basis, SAAB would highlight a number of issues with the content of the Bill:

- 1. The Bill proposes simplification of funding streams by reallocating apprenticeship funding to the Scottish Funding Council. However, it does not detail instructions, conditions, measures, or targets that set out an expectation for the SFC to respond to industry demand. It does not aim to significantly grow apprenticeship numbers. It also fails to safeguard and sustain apprenticeship funding within post-school education and skills provision.**

The lack of detail in the Bill, at this stage in the process (stage 1) about how it will build in instructions, conditions, measures, or targets for apprenticeships, reinforces SAABs longstanding concerns that the apprenticeship budget will be diluted, and the apprenticeship demand diminished.

Employers and learners are already experiencing a reduction in apprenticeship numbers with SFC advising a drop in SFC Foundation Apprenticeships numbers, since 2021-2022 by around 500 places, Graduate Apprenticeship numbers have gone down from over 1450 to 1200 opportunities, and Modern Apprenticeships funding is stagnant – despite demands for more.

The increasing financial pressures on our colleges and universities, exemplified by the current situation at the University of Dundee, heighten SAAB's concerns that apprenticeship funding will be diverted to address institutional financial deficits, causing further declines in apprenticeship provision, and damaging the Scottish apprenticeship 'brand' and the system capability that enables apprenticeships to be delivered.

- 2. The Bill does not retain fundamental industry oversight of the design, development and delivery of apprenticeships, contrary to the OECD recommendation that employer leadership of apprenticeships should be strengthened.**

Furthermore, the Bill does not recognise the crucial role that industry must play to ensure skills provision is aligned with the demands of the economy, contrary to OECD advice which is to create a demand-led system, meeting the needs of employers and apprentices, and contributing to the economic prosperity of Scotland.

The lack of consideration for and detail on the role of the industry at this stage in the process (stage 1) reinforces SAABs longstanding concerns that industry is being distanced from performing a role that is rightly equitable in the creation, operation and maintenance of the apprenticeship system.

Despite industry being the creators of apprenticeships and employing the apprentices, their contributions are not adequately recognised. Employers invest millions of pounds into the system through the Apprenticeship Levy, paying wages to apprentices and cover training costs. There are limited instances in the skills system where private sector funds, of this scale, come directly from businesses.

As the only industry-led advisory board focused on apprenticeships, it is disappointing that despite almost a decade of voluntary service by its members, that the Bill does not acknowledge SAAB and its potential to support post-school education and skills provision as an expanded or strengthened mechanism.

Additionally, the Bill fails to mention any necessary industry infrastructure and the Apprenticeship Committee lacks insufficient detail about how it will involve industry. The vital role of employers is absent in the Bill – the word employer appears twice in the Bill but only in defining Scottish Apprenticeship.

Excluding SAAB or industry more generally from the Bill is a risk which we believe will lead to missed opportunities, regress the system, weaken relationships between government and industry, and inflict significant and unwarranted damage to systems and processes that have been developed over the past decade.

SAAB believes that the Bill offers an opportunity to enhance the apprenticeship system by securing industry commitment, which is evident in the legislation of high-performing apprenticeship countries such as Germany, Austria, Denmark, Switzerland, and Australia, and responding.

SAAB is optimistic about the potential for the Bill to provide greater opportunities for learners and industry alike, and would offer a series of recommendations to the improve the Bill in this regard:

1. Safeguard funding for and provision of apprenticeships and protect and enhance the apprenticeship programme in Scotland.

Build in conditions to the Bill that **mandates Higher and Further institutions to invest in all post- school education and skills provision. This must include ensuring the protection of apprenticeship funding and demonstrating how all post-school education and skills provision address current and future critical industry needs, particularly in emerging sectors.** Any new condition will require detailed skills and cost benefit analysis and a mapping of provision directly with jobs – addressing critical skills gaps and illustrating economic value. Meaning that the range of provision, across sectors – nationally and regionally, programmes and age groups, is strongly determined by industry demand.

SAAB proposes that enforcing these types of conditions will need to be backed by ambition, capability, capacity, structures, and systems to be able to deliver for learners' employers

and the economy, therefore suggest the need to build in conditions to the Bill that **responds directly to the 9 recommendations proposed by the [Organisation Economic Co-operation Development \(OECD\) report: Strengthening Apprenticeships in Scotland](#) report which relate to: Responsiveness, Innovation and Inclusion and Equity.**

Build in conditions to the Bill that **enables SFC to mandate Higher and Further Education delivery against the Outcomes Framework and Assurance Model, specifically to drive up apprenticeship provision.** As it stands SFC provide 'guidance' to colleges and universities about delivery. However as outlined above, opportunities for learners to complete FA & GAs are declining– despite employer demand. Therefore, mandating is required if we are to see apprenticeship provision rise to match industry and learner demand.

The combination of enforcement powers and enhanced reporting mechanisms will contribute to an increase in participation rates in the short term, but SFC's culture and the post-school education and skill system must evolve to support more ambitious goals.

- 2. Maintain an industry-led approach to demand assessment, design, development, approval, and delivery of apprenticeships within the post-school education and skills infrastructure – as a necessity. Recognising that employers understand their strategic workforce needs.**

Build in conditions to the Bill that **sets out a commitment to and role for industry-leadership capability, contribution and commitment within the post-school education and skills infrastructure, to include employers, trade unions/federations, government, providers, apprentices, and qualification/education bodies.**

By manifesting collaborative conditions, industry will demonstrate accountability, leadership, and effective engagement with stakeholders across the system. Examples as evidenced by SAAB include:

- Governance of the Apprenticeship Approvals Group (AAG) - an industry-led group responsible for approving all Scottish apprenticeships - to ensure they meet the needs of industry.
- Its oversight of the Standards and Frameworks development programme
- Shaping, and acting as a check and challenge function for employer demand assessment and forecasting.
- Encouraging active participation and ambassadorial activity of the members including apprentices and other post-school education learners.

We believe that any amended conditions **must include the fundamental post-school education and skills infrastructure principles**, previously proposed in our submission to the PSESR consultation, as outlined below:

- An ambitious Skills Strategy for Scotland, with a prominent focus on apprenticeships and supporting policy directive, aligned with the National Strategy for Economic Transformation (NSET)
- An industry-led approach to support Scotland's Skills Strategy, overseeing all aspects of apprenticeships to include demand assessment, design, development, approval, and delivery is maintained. Acting as an enabler within the post-school education and skills system for apprenticeship pathways.
- Apprenticeships are not yet afforded the same parity as other forms of HE/ FE and have yet to be fully embedded into the current post-school education and skills system.
- Embedding apprenticeships will NOT happen without the leadership, drive, energy and ambition of industry and Scotland's past and present apprentice voice.
- Achieving parity requires challenging outdated success factors and transforming the culture of post-school education and skills systems. Higher qualifications should not be the sole gold standard.

The industry-led approach, outlined above, must include and seek to:

- Provide advice to the Scottish Government and its agencies on all aspects of apprenticeships: demand decisions and strategy, aligned to regional and national apprenticeship requirements.
- Oversee any adaptations, including implementation, to the apprenticeship system to include agreeing on the governance arrangements and oversight of the Apprenticeship Approval Group (AAG)
- Remain central to framework design, development (standards and content of apprenticeships) and approvals.
- Actively support the promotion of apprenticeships as ambassadors to school pupils, parents & carers, teachers, and Scottish Government & Scottish Parliament, and on an international scale.
- Retain the voice of past and current apprentices to help promote the apprenticeship route and inspire the next generation of talent.
- Targets for apprenticeships which are aligned to a truly demand-led system and contributing to business productivity and economic growth.
- Clear accountabilities and reporting links with the wider post-school education and skills infrastructure.

- Any new industry-led approach should incorporate SAAB's established expertise and a joined-up approach and connection with regional partners including economic partnerships, DYW and skills planning bodies.

The Bill would also move the funding and functions related to college student support from SFC to SAAS so that all student support funding is delivered through SAAS.

What do you think of these measures?

SAAB offer no views to this question.

The Bill will provide SFC with powers to make recommendations, issue guidance and to monitor the financial sustainability of post-16 education bodies.

What do you think of these measures?

SAAB aspires to create world-class, employer-led apprenticeships that are highly valued and accessible to all, unlocking a fairer, wealthier, and greener Scotland. SAAB is confident that the Bill has the potential to fulfil this ambitious vision. However, it is imperative that the culture across the post-school education and skills system rises to meet this ambition.

By empowering the Scottish Funding Council (SFC) with the authority to make recommendations, issue guidance, and monitor the financial sustainability of post-16 education bodies, SAAB believes that progress can be made towards this goal, and would offer a series of recommendations to the improve the Bill in this regard:

Build in conditions to the Bill **that requires SFC to use outcome reporting to include demand performance, higher and further education outcome data, and labour market outcomes.** To understand the performance of post-school education and skills programmes and use the information to promote different post-school education and skills routes to jobs.

This information will not only help to inform future learners, parents & carers and teaching professionals, but it will also help to provide transparency and reassurance that public investment in post-school education and skills programmes is responsive to employer need, that the performance of learning providers is understood, and that public funding is providing a return on investment for the Scottish economy.

As outlined in our answer to question 1:

Build in conditions to the Bill that **enables SFC to mandate Higher and Further Education delivery against the Outcomes Framework and Assurance Model, specifically to drive up apprenticeship provision.** As it stands SFC only provide 'guidance' to colleges and universities about delivery.

Build in conditions to the Bill that **enables SFC to mandate Higher and Further institutions to invest in all post- school education and skills provision. This must include ensuring the protection of apprenticeship funding and demonstrating how all post-school education and skills provision address current and future critical industry needs**, particularly in emerging sectors. Any new condition will require detailed skills, cost benefit analysis and a mapping of provision directly with jobs – addressing critical and emergent skills gaps and illustrating economic value. Meaning that the range of provision, across sectors – including nationally and regionally, programmes and age groups, is strongly determined by employer demand.

As mentioned previously, SAAB propose that enforcing these types of conditions will need to be backed by ambition, capability, capacity, structures, and systems to be able to deliver for learners' employers and the economy, therefore propose the need to build in conditions to the Bill that responds directly to the 9 recommendations proposed by the OECD which relate to: Responsiveness, Innovation and Inclusion and Equity.

Part 2

The Bill makes changes to the governance of the SFC, to take account of its expanded functions, and to ensure that the Council has the skills and experience that it needs.

Are the measures sufficient?

SFC needs to be future fit. The board can assist SFC in this by establishing a culture that will be required to:

- Model and promote a fair and equitable, innovative, pro-active, healthy, engaging, inclusive, collaborative, and agile post-school education and skills system, to create provision that works for all learners, employers and the Scottish economy.
- Harness talented industry expertise that reflects Scotland's skills needs and workforce.
- Respond to changing economic, environmental, political and social factors – and challenging the status quo.
- Encourage new ideas and perspectives, including diversification, to enable positive challenge and decision-making on all aspects of post-school education and skills provision.
- Ensure the board remains relevant and effective.

SAAB believe the measures in relation to governance of SFC, and its expanding functions and the skills and experience required, are insufficiently outlined in the Bill and would offer recommendations to improve the Bill in this regard:

Build in conditions to the Bill **specifying that the SFC Board must include industry representatives who are committed to the significance and future of apprenticeships for learners, employers, and the Scottish economy.** Additionally, business acumen is highly desirable, along with excellent skills in negotiation and influencing, and the ability to collaborate with government, stakeholders, and partners impartially and without political affiliation.

Build in conditions to the Bill **specifying that the Apprenticeship Committee must include industry representatives who are committed to the significance of apprenticeships for learners, employers, and the Scottish economy.** Additionally, business acumen is highly desirable, along with excellent skills in negotiation and influencing, and the ability to collaborate with government, stakeholders, and partners impartially and without political affiliation.

Build in conditions to the Bill **detailing the governance structures between the Apprenticeship Committee and the industry-led structures including the SAAB Standards and Frameworks Group and Apprenticeship Approvals Groups,** and how the committee will communicate and respond to the wider post-school education and skills system.

Build in conditions to the Bill **detailing the capability requirements of Apprenticeship Committee members which must match and be aligned to the knowledge, skills and capability of the SAAB Standards and Frameworks Group and Apprenticeship Approvals Groups.**

Part 3

The Bill aims to clarify the process for providing student support to Scottish students studying at private institutions in the UK. Do the measures provide enough clarity?

Are the measures sufficient?

SAAB offer no views to this question.

Further Comments

In your view, what should the outcomes of the Bill be?

In addition to:

- Providing further powers to SFC to make recommendations, issue guidance and to monitor the financial sustainability of post-16 education bodies,
- Making changes to the governance of the SFC, to take account of its expanded functions, and to ensure that the Council has the skills and experience that it needs.

SAAB would also propose that the outcome of the Bill needs to ensure that the post-school education and skills system is supported with capability in the following areas:

- Proficiency in stakeholder management, particularly with industry, learners, and broader stakeholder groups. This includes effectively addressing stakeholder needs, presenting and facilitating collaborative discussions to develop improvements and solutions and communicating demand, and recognising that engaging with industry will be an essential aspect moving forward.
- Conducting global horizon scanning to support the goals of post-school education and skill provision, ensuring the system incorporates insights from international research and evidence-based vocational education-focused organisations on skills and apprenticeship. This request for capability aims to facilitate comparisons, make improvements and learn from top-performing economies.
- Provision of Labour Market Information (LMI) and apprenticeship-related data to inform decisions at regional and national levels. These are crucial for supporting demand assessment processes and ensuring apprenticeship opportunities match industry needs.
- Expertise in awareness raising, focusing on understanding various sectors and occupations within Scotland, with the ability to effectively promote apprenticeships to individuals who support young people in making career choices that align with actual job opportunities.

Throughout the submission, SAAB also offered a series of key areas for improvement, and would request that the outcome of the Bill takes account of these recommendations, which are summarised below:

The need to safeguard funding for and provision of apprenticeships and protect and enhance the apprenticeship programme in Scotland.

1. Respond directly to the nine recommendations proposed by the OECD which relate to: Responsiveness, Innovation and Inclusion and Equity.
2. Mandate Higher and Further institutions to invest in all post-school education and skills provision. This must include ensuring the protection of apprenticeship funding and demonstrating how all post-school education and skills provision address current and future critical industry needs, particularly in emerging sectors.
3. Enable SFC to mandate Higher and Further Education delivery against the Outcomes Framework and Assurance Model, specifically to drive up apprenticeship provision.
4. Stipulated the need for outcome reporting to include demand performance, higher and further education outcome data, and labour market outcomes to inform provision and demand.

The need to maintain an industry-led approach to demand assessment, design, development, approval, and delivery of apprenticeships within the post-school education and skills infrastructure – as a necessity. Recognising that employers understand their strategic workforce needs.

5. Set out a commitment to and role for industry-leadership capability, contribution and commitment within the post-school education and skills infrastructure, to include employers, trade unions/federations, government, providers, apprentices, and qualification/education bodies.
6. Specify industry representatives who are committed to the significance of apprenticeships for learners, employers, and the Scottish economy, on the SFC Board.
7. Specify industry representatives who are committed to the significance of apprenticeships for learners, employers, and the Scottish economy, on the Apprenticeship Committee
8. Detail the governance structures between the Apprenticeship Committee and the Industry-led structures including the SAAB Standards and Frameworks Group and Apprenticeship Approvals Groups
9. Detail the capability requirements of Apprenticeship Committee members which must be aligned to the knowledge, skills and capability of the SAAB Standards and Frameworks Group and Apprenticeship Approvals Groups.