



S1.20, Stirling Campus 4.00pm

AGENDA

	Publish on Web?	Type	Lead
1 Apologies, Declaration of Interests and Changes to Members' Register of Interest	N/A	Discussion	Liam McCabe

2 Draft Minutes and Matters Arising of meeting of 18 September 2025	Yes	Approval	Liam McCabe
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(Elements of paper 2 are withheld from publication on the Forth Valley College website under Section 36 Confidentiality of the Freedom of Information (Scotland) Act 2002.)

3 Review of Action Tracker	Yes	Discussion	Alison Stewart
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ESTATES

4 Year One Review of the OCS Facilities Management Contract	No	Discussion	Martin Loy
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(Paper 4 is withheld from publication on the Forth Valley College website under Section 33 Commercial Interests and the Economy of the Freedom of Information (Scotland) Act 2002.)

HR

5 HR Policies 5.1 Principal Disciplinary Policy & Procedure		Approval	Ralph Burns
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FINANCE

6 Annual Procurement Report	Yes	Approval	Ester Vasallo
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(Paper 6 is withheld from publication on the Forth Valley College website under Section 25 Information Otherwise Accessible of the Freedom of Information (Scotland) Act 2002 – <https://www.forthvalley.ac.uk/about-us/procurement>)

7 Procurement Approvals: 7.1 Finance System	Yes	Approval	Ester Vasallo
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(Paper 7 is withheld from publication on the Forth Valley College website under Section 33 Commercial Interests and the Economy of the Freedom of Information (Scotland) Act 2002.)

8 Management Assessment of Going Concern	Yes	Discussion	Alison Stewart
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9 Q1 High Level Forecast 2025-26	No	Discussion	Moira France
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(Paper 9 is withheld from publication on the Forth Valley College website under Section 33 Commercial Interests and the Economy of the Freedom of Information (Scotland) Act 2002.)

10 Student Funding Outturn 2024/25 and Forecast 2025/26	No	Discussion	Senga McKerr
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(Paper 10 is withheld from publication on the Forth Valley College website under Section 33 Commercial Interests and the Economy of the Freedom of Information (Scotland) Act 2002.)



20 November 2025

FINANCE, RESOURCE & INFRASTRUCTURE COMMITTEE

11 Tuition Fee and Fee Waiver Policy Yes Approval Lyndsay Condie

OTHER

12 Review of Risk Yes Discussion All

13 Any Other Competent Business Yes Discussion All

13.1 Three Points for Board of Management

FOR INFORMATION

14 Finance Update 3 Months to October 2025 No Information
(Paper 14 is withheld from publication on the Forth Valley College website under Section 33 Commercial Interests and the Economy of the Freedom of Information (Scotland) Act 2002.)

15 Forward Agenda Yes Information

JOINT MEETING WITH AUDIT COMMITTEE

16 Annual Report and Financial Statements 2024/25 No Approval Senga McKerr

(Paper 16 is withheld from publication on the Forth Valley College website under Section 27 Information Intended for Future Publication of the Freedom of Information (Scotland) Act 2002.)

17 Draft External Auditors Annual Report to the Board of Management No Approval Mazars

(Paper 17 is withheld from publication on the Forth Valley College website under Section 27 Information Intended for Future Publication of the Freedom of Information (Scotland) Act 2002.)



2. Draft Minutes of Meeting of 18 September 2025 For Approval

20 November 2025

FINANCE, RESOURCE & INFRASTRUCTURE COMMITTEE

Steeple Suite, Falkirk Campus (commencing at 4pm)

Present: Liam McCabe
Craig Arthur
Angus Gray
Philip Harris (via teams)
Julie McKenzie (co-optee)
Suzanne Reynolds (via teams)

Apologies: Mary McLuskey
Chris Brodie
Graham Leebody

In Attendance: Abhi Agarwal, Chair, Board of Management
Kenny MacInnes, Principal
Alison Stewart, Depute Principal and Chief Operating Officer (DPCOO)
Sarah Higgins-Rollo, Vice Principal Learning & Student Experience (VPLSE)
Colin McMurray, Vice Principal Business and Innovation (VPBI)
Senga McKerr, Director of Finance (DOF)
Ralph Burns, Head of Human Resources (HHR) until F/25/019
Moirra France, Finance Manager (FM)
Stephen Jarvie, Corporate Governance and Planning Officer (CGPO)
Laura Fraser, STC Project Manager (STCPM) for item F/25/013 only
Caroline Hogg, Head of Apprenticeships (HOA) for item F/25/013 only
Monika Smith, FVSA Vice President (FVSAVP), for item F/25/014 only
Gill Donald, HR Business Partner (HRBP) for item F/25/018

The Chair welcomed Angus Gray, Julie McKenzie and Monika Smith to the meeting.

F/25/009 Apologies, Declaration of Interests and Changes to Members' Register of Interest

None

F/25/010 Draft Minutes and Matters Arising of meeting of 7 August 2025

Members considered the minute and matters arising from the meeting of 7 August 2025.

a) Members approved the minutes

F/25/011 Review of Action Tracker

The Chair discussed the updated action tracker with members.

a) Members noted the content of the tracker



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FINANCE, RESOURCE & INFRASTRUCTURE COMMITTEE

F/25/012 Review of Committee Remit

The CGPO presented the annual review of the remit for member's consideration. He noted that, with the creation of the Committee vice chair position, the remit had been updated to reflect this in relation to situations where the Chair was unable to attend.

a) Members approved the remit

F/25/013 Major Project / grants update

5.1 Skills Transition Centre Project

The STCPM Project Manager (STCPM) presented an update on the project to members. She noted that the project was currently in its second year and that the procurement strategy for purchasing kit for the project was continuing.

[REDACTED]

She outlined spend to date and provided an overview of project KPI's.

Members queried whether equipment could be shared across campuses. The Principal confirmed that the equipment from the project could only be used in the Falkirk campus owing to the manner in which the funding is provided.

The Chair informed members that there was also a Stirling and Clackmannanshire deal that may be accessible in the future.

The STCPM outlined some of the community benefits already being delivered by the project, noting the ongoing interaction with local schools.

Members noted the significant outlay in terms of expenditure and queried where the College was in recuperating this from the project. The STCPM confirmed that this was operating approximately 3 months in arrears and the Finance Manager (FM) confirmed to members that this was accounted for in College cash flow projections.

Members queried who has ownership of the materials purchased under the project once it concludes. The STCPM confirmed that the materials would be retained by the College and would be part of the legacy of the project.

[REDACTED]

a) Members noted the content of the report



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5.2 Grangemouth Skills Transition Employment Plan

The Head of Apprenticeships (HOA) provided members with an update on the Grangemouth Skills Transition Employment Plan (GSTEP) which is designed to provide training for those staff effected by the decommissioning of the Petroineos refinery in Grangemouth.

She noted that the staff involved had been divided into priority areas based on their projected date of leaving the refinery. Priority group 1 has been successfully completed and the booking of priority group 2 onto courses is ongoing.

Members welcomed the progression of the GSTEP participants on training and queried whether there were any plans to track the destinations of these individuals. The HOA confirmed that follow up surveys on destinations was a requirement of the funding and would occur.

[REDACTED]

[REDACTED]

Members noted that GSTEP and any potential additional project had a significant level of administration involved and queried whether this had been budgeted for or if the College was bearing the cost. The FM confirmed that this had been included in the budget for the project [REDACTED]

The Chair noted that projects that did not go well were often reviewed and that, for a project like this which has performed well, it would be worthwhile seeing what lessons could be learned for future activity.

a) Members noted the content of the report

5.3 ECITB RHIF Progress Report

The HOA provided members with an update on the Engineering Construction Industry Training Board (ECITB) project Welding and Skills Engagement which the College applied for and was successful in being awarded.



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She noted that £259,000 had been awarded and that the project has purchased a new welding simulator and branded van which will allow for greater reach for the project, particularly with schools. She noted that there may be a future phase of activity with ECITB which the College can bid into.

She reported to members that the project was currently meeting milestones and delivery was within budget.

The DOF assured members that the work of this project was being coordinated with the STC project to ensure that there is no overlap in activity.

Members welcomed this approach and the progress to date.

The Principal commented that, while not significant sums of funding, these types of projects allow the College to enhance activity.

a) Members noted the content of the report

F/25/014 Forth Valley Student Association Outturn

Monika Smith, FVSA Vice President (FVSAVP), presented an overview of the 2024/25 academic year and highlighted upcoming activity.

She discussed the work undertaken by the FVSA, noting the positive outcomes despite staffing challenges from staff long term absence. She noted the work done with the College to obtain a successful outcome of the TQER evaluation process.

She discussed the welcome fayres conducted on all campuses and the very positive feedback received from students who attended. She also highlighted the value of these activities for introducing students to FVSA.

She highlighted the successful awards ceremony in May, with awards across a range of categories for both students and staff. She noted her thanks to the College Fundraising Manager who helped secure sponsorship which covered 75% of the cost of the event.

She reported that, as a result of this and the staff vacancies, the FVSA had ended the year with a surplus.

[REDACTED]

She informed members that, as a result of the previous year's surplus, there would not be a contribution for the College for 2025/26.



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[REDACTED]

[REDACTED]

The Principal confirmed that he would also discuss this further with the DPCOO.

a) Members noted the content of the report

F/25/015 Health & Safety Dashboard

The DPCOO presented the health and safety dashboard to members.

She noted that mandatory training levels, even including the new module on the teamSOS system, could still be improved and that LMT was looking into how to enforce this more effectively.

The Head of HR (HHR) informed members that there was a new induction process in place for staff that monitors completion of mandatory training and that, until such time as this training is completed, all new staff will remain on a probationary basis.

Members queried what the teamSOS system was designed to do.

The Principal informed members that the system was designed to support the College in a mass lockdown or evacuation scenario. This, along with other measures, was designed to improve the resilience of the campuses.

Members recommended that a paper on teamSOS be brought to the Board of Management.

In relation to accident statistics, the DPCOO highlighted that there had been a slight increase on this time next year and an analysis of the incidents showed that these were in areas where there had been an increased throughput of students.

She confirmed that, for 2024/25, there had been six instances classified as RIDDOR.

Members suggested, in relation to the accident statistics, that the College look to factor in the increased number of students so a more accurate comparison could be made against previous accident levels.

The DPCOO confirmed that she would discuss this further with the team.

a) Members noted the content of the report



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F/25/016 Driving for Work Policy

The HHR presented the policy on behalf of the Head of Estates who could not make the meeting.

He outlined the need for the College to formalise the standards for driving for work, including travel between campuses, both in College and personal vehicles as a result of health and safety and insurance best practices.

The purpose of the policy is to protect staff, the College and the wider public.

The Policy would allow for an external provider to conduct the necessary reviews of documentation to ensure that staff are fit to drive.

a) Members approved the policy

F/25/017 People Strategy Dashboard

The HHR presented the twice-yearly update on progress against the People Strategy. He noted that the latest version of the strategy had been approved at the previous meeting of the committee.

He reported that the culture survey had recently been completed and would be discussed later in the agenda.

He commented on the impact of budget restrictions on staff development but that the College had continued to increase, albeit slightly, TQFE training levels among lecturing staff.

He confirmed that the listening to employee's activity was continuing and that this continued to receive good input from staff with some tangible outputs.

He discussed the only amber area on the dashboard, which was in relation to further integration of the I-TRENT HR system that is taking longer than initially anticipated.

He noted, despite a peak in cold and flu around December, absence rates remain low. Members queried whether the College absence rates are benchmarked against another College.

The HHR stated that this was challenging to do as not all college's produce this information publicly but that his best estimate was that the College was normally in the middle of the range in terms of absences.

The Principal noted that staff development was always at risk when there were budget challenges but that it was recognised that doing so could hamstring the College for future developments.



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a) Members noted the content of the dashboard

F/25/018 Health & Wellbeing Update

The HR Business Partner (HRBP) updated members on the health and wellbeing programme within the College. She reported that the budget for 2024/25 had been fully utilised and that a budget was in place for 2025/26.

She informed members that a supporting coordinator role, previously funded by the ALF, had now been embedded into the HR team to support this work.

She discussed some of the activities of the past year and plans for this current academic year.

She provided an overview of the ongoing work task analysis project across key areas of the College.

Members queried if there were any early points emerging from the work task analysis.

The HRBP commented that these were mainly about use of tech and areas of repetitious work. She confirmed that the Director of Digital, Transformation and Innovation was looking into the areas being raised.

a) Members noted the content of the report

F/25/019 HR Policy Updates

Managing & Supporting Performance Policy

The HHR informed members that the policy had been updated to reflect the requirements of the process arising from national bargaining.

Members queried what level of performance management occurred within the College. The HHR confirmed that the numbers involved were small and that this new process would help to further support staff in this area.

Members queried whether there was appropriate training in place to support managers doing this.

The HHR confirmed that this was in place. He also noted that all managers had a regular monthly meeting with their HRBP who can provide further support, guidance and training as needed.

a) Members approved the policy



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Redeployment and Redundancy Policy

The HHR presented the policy, noting that there were only minor updates and that both College unions had reviewed and accepted the changes.

- a) Members approved the policy

F/25/021 Culture Survey

The HHR presented a high-level review of the outcome of the latest culture survey among College staff. He noted that it was pleasing to see the overall scores had increased in the survey.

He highlighted that there were differences in perception of the College culture between management and staff and also between the academic and corporate services sides of the College.

Members commented that, with the challenges facing the College, this was a positive result to have.

- a) Members noted the content of the report

F/25/022 Forecast Outturn 2024-25

The FM presented the forecast outturn for 2024/25. She reported that the outturn shows an operational deficit of £216,000 and noted that the table on page 3 of the paper summarises the main variances.

She outlined areas where income had increased as well as areas of additional expenditure. She noted that the balance sheet is still in draft format but confirmed that the overall cash position would not change.

- a) Members noted the content of the paper

F/25/023 Review of Risk

Risks were identified in the papers presented.

F/25/024 AOCB

Members discussed the three points from the meeting they would like to raise to the attention of the Board.

It was agreed that this would include the positive progress with STC, GSTEP and the positive outcome from the culture survey.



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The DOF informed members that there would be a couple of upcoming procurement approvals that require Committee review and sign off before the next meeting of the Committee and that these would be issued electronically when they were ready.

- a) Members noted the upcoming procurement approval requests

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Meeting	Date	Minute Ref	Action	Assigned to	Deadline to report?	Status	Output Required	Comment
FRAIC	7/8/25	F/25/005	Head of Estates to bring a report on contractor performance to next meeting of Committee	Alison Stewart/Martin Loy	18/09/2025	In Progress	Report	On agenda for 20/11/25

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8. Management Assessment of Going Concern For Discussion

20 November 2025

FINANCE, RESOURCE & INFRASTRUCTURE COMMITTEE

1. Purpose

To discuss with members the Going Concern Assessment document required for the Annual Report and Financial Statements for the year to 31 July 2025.

2. Recommendation

Members consider the draft document prepared for the audit of the Annual Report and Financial Statements for the year ended 31 July 2025, and provide confirmation of their agreement with the conclusions therein.

3. Background

Audit Scotland published a guide for auditors in respect of Going Concern in the public sector (December 2020), stating that in determining the appropriateness of the going concern basis of accounting, the continued use of the assets to deliver services is more important than the continued existence of a particular public body, and as such the use of going concern basis of accounting will always be appropriate for public bodies, and as such does not require justification by future forecasts and cash flow projections.

As part of their wider-scope work, which includes financial sustainability, our auditors require a formal management assessment of going concern to be prepared. This includes forecast income & expenditure, and cash flows from August 2025 to July 2027.

The draft Q1 forecast for 2025-26 and the 2026-27 scenario submitted to SFC for the FFR prior to corrective actions have been updated with current information, and these I&E forecasts are used in the assessment of Financial Sustainability discussed below. Without corrective actions the College will run out of cash by March 2027, and management is looking at various options to improve this situation.

4. Key Considerations

It is important to distinguish between **Going Concern** and **Financial Sustainability**. This is referred to within the Annual Report and Financial Statements as the College continuing to operate on a "going concern" basis.

Financial Statements are required to categorically state whether, or not, they are prepared on a going concern basis. As a public body Forth Valley College is able to confirm the appropriateness of preparing its' financial statements on a **Going Concern** basis without further justification.

Separate to the concept of going concern is the **Financial Sustainability** of the College, which considers the ability to generate cash from day to day operational activities, and evidence that liabilities can be met as they fall due. Given the uncertainty in the current economic environment, high wage demands, tightening of government finances, and high inflation, the assessment of financial sustainability is more complex. Ultimately, the financial sustainability of the College, and indeed the sector, requires one or more of the following – reduction in delivery volumes, increases in funding levels and/or fundamental restructures. All of these require input from Scottish Government.



8. Management Assessment of Going Concern For Discussion

20 November 2025

FINANCE, RESOURCE & INFRASTRUCTURE COMMITTEE

5. Resource Implications (Financial, People, Estates and Communications)

There are no specific resource implications arising from this paper

6. Equalities

An equalities assessment is not applicable given the nature of this report.

7. Communities and Partners

As this is a finance report it does not involve stakeholder groups.

8. Risk and Impact

The risk of FVC not being considered a going concern by the auditors is low, as the forecast cash flows provided covering the period to December 2026, along with the Audit Scotland guidance is sufficient to satisfy their audit requirements.

	Likelihood	Impact
Very High (5)		
High (4)		
Medium (3)		
Low (2)		
Very Low (1)	x	x

Total Risk Score – 2

BoM Risk Categories & Risk Appetite (Select one area only)			
Cautious <15		Open 15 > <20	Eager >20
Governance	x	Strategy	People
Legal		Financial	Project/Programme
Property		Reputational	
		Technology	

Is the score above the Board Risk Appetite level? No

Risk Owner – Alison Stewart
Paper Author – Senga McKerr

Action Owner – Senga McKerr
SMT Owner – Alison Stewart

**MANAGEMENT ASSESSMENT OF GOING CONCERN
AS AT YEAR ENDED 31 JULY 2025**

Management has assessed the financial position of the College for the year ended 31 July 2025 and its future financial position to support the going concern basis of preparation in the financial statements and ensure completeness and accuracy of related disclosures. The assessment period considered was up to 31 July 2027 based on the operating cycle of the College, which is more than 12 months from the date of signing these accounts. Management has also considered any known factors that may occur immediately after the end of the going concern assessment period and has not identified any significant matters to impact its conclusion.

Basis of Preparation Conclusion

Management has concluded that it is appropriate for the going concern basis of preparation to be used in the Financial Statements for the year ended 31 July 2025. This conclusion is based on the following factors:

- The concept of a going concern assumes that an entity's functions and services will continue in operational existence for the foreseeable future. As a public entity, the College cannot be dissolved without statutory prescription, as such they must prepare their financial statements on a going concern basis of accounting. **In accordance with the FREM and HE/FE SORP, the College is therefore required to prepare its financial statements on a going concern basis unless informed by the relevant government body of the intention for dissolution without transfer of services or function to another entity.** The College has received no such notification, in particular from the SFC. The accounts are prepared on the assumption that the College will continue in operational existence for the foreseeable future.
- **Audit Scotland** published a guide for auditors in respect of Going Concern in the public sector (December 2020), stating that in determining the appropriateness of the going concern basis of accounting, the continued use of the assets to deliver services is more important than the continued existence of a particular public body, and as such **the use of going concern basis of accounting will always be appropriate for public bodies, and as such does not require justification by future forecasts and cash flow projections.**

Financial Sustainability

The Financial Sustainability of the College considers the ability to generate cash from day-to-day operational activities, and whether it has sufficient income and liquidity to evidence that liabilities can be met as they fall due. Given the uncertainty in the current economic environment, high wage demands, tightening of government finances, and high inflation, the assessment of financial sustainability is more complex. Ultimately, **the financial sustainability of the College, and indeed the sector, requires one or more of the following – reduction in delivery volumes, increases in funding levels and/or fundamental restructures. All of these require input from Scottish Government.**

- In respect of its current financial position:
 - At the balance sheet date, the College had net current liabilities of £3.0 million, due to an element of deferred government capital grants being disclosed as creditors in accordance with FRS102. They do not represent future cash outflows. Adjusting for this would result in net current assets of £0.4m. Liabilities also include pension provision and liabilities which will be met by future College income or grant in aid which cannot be drawn down in advance of need.
 - The College has liquid cash reserves of £2.596m as of 31 July 2025.
 - In the year to July 2025 the College made an adjusted operating deficit of £317k after allowing for loan repayments but excluding job evaluation costs and FRS102 pension adjustments.
- The draft Q1 forecast for 2025-26 plus the forecast scenario for 2026-27 as presented to the Board in August 2025, is an adjusted operating deficit over the 2 academic years of £3.043m, and assumes:

- Flat grant in aid;
 - 3% pay awards for September 2026;
 - Continuing general inflationary pressures;
 - But with no corrective actions.
- Based on these deficit projections, the **College cash forecasts show a cash deficit of £0.9m by July 2027**, and therefore additional financing will be required to meet its liabilities before the end of academic year 2026-27.
 - **However**, these forecasts take no account of actions that management will take to improve the financial situation of the College.
 - Should there be a short-term need for cash, the Scottish Funding Council has confirmed that it can provide short term loans to the College.
 - The financial impacts of various options for the Alloa campus have been estimated with the information currently available. A feasibility study has been commissioned with AtkinsRealis which should be available in early 2026. Our own high-level forecasts estimate an annual saving of between £0.4 million (retaining 30% and leasing remainder of the space) and £0.9 million (sale and exit) is achievable.
 - It is abundantly clear from the FFR projections that the projected flat grant in aid cash from SFC requires fundamental change within the sector, and direction from Scottish Government on the way forward. The management team will continue to seek ways of increasing income streams and reducing costs, and continually scenario plans for longer term solutions.
 - The Board of Management and the Senior Management Team is actively engaging with the Scottish Funding Council (SFC) to address these concerns and is seeking to submit a proposal under the SFC's Transformation Framework in early 2026.
 - Until SFC provides strategic direction and some funding certainty, any strategic plans created now are likely to quickly become obsolete. This includes scenarios and sensitivities, and as such sensitivity analysis has only been undertaken to the extent that, where a risk exists, the financial impact has been assessed and the potential for variations noted in LMT, Finance, Resource & Infrastructure Committee and/or Board papers.

The following documents provide more detailed financial analysis and have been provided to the auditors:

Description	Period Covered
Budget for 2025-26 approved by Board of Management 14 August	1 August 2024 – 31 July 2026
Financial Forecast Return FVC paper – approved by Board of Management 14 August	1 August 2024 – 31 July 2028
FFR submission and commentary to SFC including cash flow forecasts	1 August 2024 – 31 July 2028

Assessment approved by:

 Alison Stewart, Depute Principal & Chief Operating Officer
 November 2025



11. Tuition Fee & Fee Waiver Policy For Information

20 November 2025

FINANCE, RESOURCE AND INFRASTRUCTURE COMMITTEE

1. Purpose

To update committee members with the confirmed 25-26 guidance for tuition Fee and Fee Waiver.

2. Recommendation

That members note that information and agree to publish the updated policy with immediate effect.

3. Background

A paper was presented to the Committee in March 2025 outlining proposed changes to the Tuition Fee and Fee Waiver Policy. This information is required annually before the SFC guidance is published to ensure the policy is in place for Evening Course recruitment in May.

We have now received the SFC guidance, and our Student Administration team has reviewed the policy. We are seeking the Committee's approval to implement the necessary amendments and publish the updated policy on the College website.

4. Key Considerations

Please find below a summary of the amendments for your reference. Income thresholds for part-time student fee waivers have increased:

- Single person: £8,282 update to £10,400
 - Couple without children: £12,395 updated to £18,000
 - Single parent with dependent children: (new) £21,600
 - Couple with dependent children: £18,977 updated to £29,100
-



Other changes for your reference.

Policy Reference 2. Student Criteria – new information to be added

- Carer's Allowance Supplement, or
- Young Carer's Grant, or
- Carer's Support Payment, or

Policy Reference 4 Additional Text (added text in yellow)

The student is care experienced. This is defined as looked after and in the care of the local authority and can include situations where the student is living in a foster home, children's home, residential home, in kinship care or in the care of the local authority in their own home or in informal kinship care with Local Authority involvement. This includes Scottish-domiciled students who have experienced care outside of the UK.

Policy Reference 4.3 Replacement Text

The student is a young asylum seeker, or the child of an asylum seeker, who is studying a full-time or part-time Further Education course, and is living in Scotland on the relevant date. To be classed as a young asylum seeker, or the child of an asylum seeker, an application for asylum should be submitted to the Home Office before they are 18 years old.

Policy Reference 6 - Forces Personnel, Replacement Text

Military personnel and their families should be assessed on a relevant connection to Scotland. If they meet the criteria to be assessed as having a relevant connection to Scotland, military personnel, and their families, will be eligible to receive a Fee Waiver. This is detailed in the Scottish Government's [Further Education Residency Guidance](#).

5. Risk and Impact

	Likelihood	Impact
Very High (5)		
High (4)		
Medium (3)		
Low (2)	x	x
Very Low (1)		

Total Risk Score 4



11. Tuition Fee & Fee Waiver Policy For Information

20 November 2025

FINANCE, RESOURCE AND INFRASTRUCTURE COMMITTEE

BoM Risk Categories & Risk Appetite (Select one area only)			
Cautious <15	Open 15> <20	Eager >20	
Governance	Strategy	People	
Legal	Financial	Project/Programme	
Property	Reputational	x	
	Technology		

Risk Owner – LMT

Action Owner – Lyndsay Condie

Paper Author – Lyndsay Condie

SMT Owner – Alison Stewart

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TUITION FEES 2025-26

	£	Note
Full-time HE (HNC/HND) Courses	1,285	
Full-time Degree Courses	1,820	
Full-time FE (non-advanced) Courses	1,008	
Part-time Courses		
Further Education - rate per credit	130	
Higher Education - rate per credit	145	
Evening (non-credit based) – rate per course	Priced per course	a
Degree – rate per subject	230	
ICDL	395	
ICDL rate per module	68	
ICDL Advanced per module	120	
National 4/National 5/Higher	390	
International/RUK Students		
Full Time Higher Education (HNC/HND)	8,000	b
Higher Education - rate per credit	700	
Full Time Degree	8,800	b
Full Time Further Education	8,000	b
Further Education - rate per credit	500	

Notes

- a) Evening courses will be priced on a course by course basis, where delivery is outwith standard FE/HE Credit based delivery.
- b) For all International applicants requiring a study Visa a non-refundable application fee of £250 will be applied. The cost of £250 for the application fee will be deducted from the overall fee if you are accepted for a study Visa. The full tuition fee will be required to secure a place once an offer is received from the College, and is due prior to a Confirmation of Acceptance to Study (CAS) being issued. This is required to allow the applicant to apply for a study Visa. For all international students fees are non-refundable.
- c) For all other modes of study, with the exception of flexible/online learning UKVI legislation requires non-UK residing students to provide evidence of current residency status.

Examination Fees

Degree (re-sits)	£50 per subject/unit
ICDL Advanced (re-examination)	£25 per module
ICDL Advanced Mock Test	£20 per test
ICDL (re-examination)	£20 per module
ICDL Mock Test	£15 per test



Forth Valley College Fee Waiver Policy 2025-26

All Students wishing to apply to have their fees waived must complete a fee waiver application form and provide satisfactory proof of eligibility. Students studying on a part-time HE course can be funded through fee waiver to a maximum of 9 credits. Students studying on a part-time FE course can be funded through fee waiver to a maximum of 12 hours per week.

A Under National Policy

For qualifying courses^{a)} tuition fees (including SQA registration and examination fees) will be waived for eligible students in the following categories.

Further education (FE) students following full-time non-advanced courses for which Credits can be claimed.

Students who are studying on a short full time course.

Students who were classified as full-time under the previous definition but who are classified as part-time under the new definition ^{b)}.

1. FE students on courses classified in Credit Price Group 5 – Special Programmes.
2. Students on part-time courses for which Credits can be claimed who meet the following criteria:

i) The **student/student's family**^{c)} are in receipt of:

- Income Support* , or
- Working Tax Credit, or
- Pensions Credit, or
- Housing Benefit, or
- Income Related Employment and Support Allowance* , or
- Income-based Job Seekers Allowance*
- Universal credit

***(evidence must be dated within 3 months)**

or

ii) The **student** is in receipt of:

- Carer's Allowance (or carers who have an 'underlying entitlement' to the Carer's Allowance but gave up the allowance to, for example, claim their pension), or
- Carer's Allowance Supplement, or
- Young Carer's Grant, or
- Carer's Support Payment, or
- Disability Living Allowance, or
- Attendance Allowance, or
- Incapacity Benefit, or
- Personal Independence Payment, or
- Adult Disability Payment, or

- Contributory Employment and Support Allowance (this also includes people whose contributory ESA has ended due to the time-limited nature of this benefit, but who remain entitled to NI credits for incapacity).

or

iii) Where the student is a home or privately educated school pupil

or

iv) where the taxable income of the student's family^{c)} in the previous financial tax year (2024-25) is equal to or less than (see table below):

Student Circumstances	Household Income	Suggested Evidence
Single person	£10,400	Council Tax Notice, P60 or last 3 months payslips
Couple without children	£18,000	Council Tax Notice, P60 or last 3 months payslips
Single person with dependant children	£21,600	Child Benefit or Child Tax Credit letter, P60 or last 3 months payslips
Couple with dependant children	£29,100	Child Benefit or Child Tax Credit letter, P60 or last 3 months payslips

In such cases, the burden of proof is on the student to satisfy the college with evidence of their low income. Where there has been a material reduction in income from the previous financial tax year, the taxable income of the student's family^{c)} in the current financial tax year can be assessed.

or

v) The student is a person (or the spouse or child of a person) who is an asylum seeker living in Scotland as defined in section 18 of the [Nationality, Immigration and Asylum Act 2002](#)

or

vi) The student is care experienced. This is defined as looked after and in the care of the local authority and can include situations where the student is living in a foster home, children's home, residential home, in kinship care or in the care of the local authority in their own home or in informal kinship care with Local Authority involvement. This includes Scottish-domiciled students who have experienced care outside of the UK.

3. State school pupils undertaking college activities that form part of their school-based curriculum.

4. A college will be able to use fee waiver grant in respect of the activity of a student only if they meet all the relevant criteria of the fee waiver grant policy and they are eligible for support on the basis of residence:

i) That person falls within the definition of eligibility in Schedule 1 of *The Education (Access Funds)(Scotland) Determination 2022*.
The current regulations are available at: [FE Residency Guide](#)

or

ii) The student is a person (or the spouse) who is an asylum seeker living in Scotland on either a part-time or full-time English for Speakers of Other Languages (ESOL) course; studying a part-time non-advanced; or studying a part-time advanced course.

or

- iii) The student is a young asylum seeker, or the child of an asylum seeker, who is studying a full-time or part-time Further Education course, and is living in Scotland on the relevant date. To be classed as a young asylum seeker, or the child of an asylum seeker, an application for asylum should be submitted to the Home Office before they are 18 years old.

or

- iv) The student is a non-asylum seeker living in Scotland on a part-time ESOL course and the student's main purpose for being in the European Union is not to receive education (note that these students are still subject to the requirements as stated in paragraph 2).
5. This will apply to those students starting a new course or those continuing on a course. These criteria ensure that we meet our obligations under the United Nations Convention on the Rights of the Child.
 6. Military personnel and their families should be assessed on a relevant connection to Scotland. If they meet the criteria to be assessed as having a relevant connection to Scotland, military personnel, and their families, will be eligible to receive a Fee Waiver. This is detailed in the Scottish Government's [Further Education Residency Guidance](#).
 7. The Ministry of Defence (MOD) programme to assist service veterans gain access to education is continuing. The MOD will meet the fees for study up to Scottish Credit Qualifications Framework (SCQF) level 6 for some service veterans who do not meet the Scottish Funding Council's fee waiver criteria. More information is available on the Enhanced Learning Credits Administration Service [website](#).
 8. Ukrainian nationals who have applied to one of the UK Government or Scottish Government settlement/extension schemes, or are ordinarily resident in Scotland at the time of application for fee waiver.

B Under College Policy

For qualifying courses^{b)} tuition fees (including SQA registrations and examination fees) will be waived for students in categories 11 through 15. Students under 18 years of age on date of enrolment should be assessed on parental income if not a school pupil **or** in full time Further Education.

9. Full-time students from Forth Valley College undertaking a flexible learning course or a part-time day course (excluding Full Cost Recovery and leisure courses).
10. Students sponsored by sportscotland Institute of Sport's programme for elite athletes.
11. College Staff (including retired staff) and their immediate family (spouse, partner and children under 18 years of age) and Board members undertaking a part-time/evening course (excluding Full Cost Recovery and leisure courses).
12. School pupils where college activity does not form part of their school-based curriculum.
13. College discretion (individual students or groups of students)d)

Notes

- a) Full-time non-advanced (FE) courses and part-time FE and HE courses for which Credits can be claimed. Excludes certain specialised courses for which a higher fee is charged.

- b) The previous definition of full-time may be found in the 2004-05 SUMs guidance (circular FE/26/2004). Credit guidance: 2025-26 student activity data guidance for colleges provides the current definition of full-time and part-time.
- c) Family means:
- A married or unmarried couple or;
 - A couple in a civil partnership or;
 - A married or unmarried couple in a civil partnership and any child or young person who is a member of the same household and the responsibility of either or both members of the couple as described above or;
 - A person who is not a member of a married or unmarried couple or civil partnership (this will usually be a lone parent) and any child or young person who is a member of the same household and the responsibility of that person.
- d) For use on an individual basis in the interest of good customer care. Such cases to be approved by a member of the Senior Management Team.

If there is any doubt about the interpretation of the National Policy, reference should be made to SFC Circular Fee Waiver Policy 2025-26 (SFC/GD/07/2025) dated 26 June 2025.

If the student's status changes during their period of study, the student **may** be eligible for fee waiver if they satisfy the eligibility rates on the "required date for funding" for the course.

Forth Valley College

15. Forward Agenda

	Nov-25	Mar-26	Jun-26	Sep-25
Apologies, Declaration of Interests and Changes to Members' Register of Interest	✓	✓	✓	✓
FOR APPROVAL				
Minutes and Matters Arising	✓	✓	✓	✓
Review of Action Tracker	✓	✓	✓	✓
Tuition Fees & Fee Waiver Policy		✓		
Budget 2026/27 & FFR			✓	
Procurement Strategy			✓	
Review of Committee Remit				✓
Annual Report and Financial Statements 31 July 2025	✓			
External Audit Annual Report to the Board of Management	✓			
HR / Estates				
Policies	✓	✓	✓	✓
FOR DISCUSSION				
Management Accounts - February 2026		✓		
Management Accounts - May 2026			✓	
Management Accounts - October 2026	✓			
Draft Outturn 2025/26				✓
Major projects		✓		✓
Commercial & International	✓		✓	
People Strategy update		✓		✓
Estates Update		✓		✓
FOR INFORMATION				
Forward Programme of Committee Business	✓	✓	✓	✓



5. Principal Disciplinary Policy and Procedure For Approval

20 November 2025

FINANCE, RESOURCE & INFRASTRUCTURE COMMITTEE

1. Purpose

To inform the committee of a review of the Principal Disciplinary Policy and Procedure which follows a newly agreed staff national policy and template procedure

2. Recommendation

That member's note to the changes to the policy and procedure and agree to their implementation.

3. Background

The Principal Disciplinary Policy and Procedure was created as it was noted that aspects of the staff discipline process needed to be addressed to recognise the Principal as the most senior college staff member and thus with no direct line manager who can enact the disciplinary process.

The current policy and procedure (appendix 1) were still relevant however a new policy and model procedure for discipline was introduced nationally. To demonstrate fairness and transparency the Principal version was updated to reflect this new wording.

4. Key Considerations

Changes to the staff discipline policy and procedures to align with the needs of a separate Principal's version were kept to a minimum and in particular relates to the role of the Board, and the selection of the investigating officer and the nominated officer/chair (appendix 2 and 3).

- Investigating Officer: An Investigating Officer will be appointed by the Chair of FRAIC from amongst the non-executive membership of the Board of Management. It may be appropriate in some cases for the investigating officer appointed from an external source.
- Nominated officer/Chair: The Chair of the Finance, Resource & Infrastructure Committee (FRAIC) (or the Senior Independent Member of the Board of Management – for the purpose of this document these terms are interchangeable) will act as nominated officer/chair to review and if necessary launch an investigation.

The following areas are substantially different from the current policy and procedure but in line with the staff version:

Policy

- Layout
- Clearly defined roles and responsibilities

Procedure

- Time scales are added (Section 2)
- Defined informal action (Section 3)
- Sanctions are updated by national agreement (section 11)
- External referrals added (section 14)



5. Principal Disciplinary Policy and Procedure For Approval

20 November 2025

FINANCE, RESOURCE & INFRASTRUCTURE COMMITTEE

5. Resource Implications (Financial, People, Estates and Communications)

Principal's awareness required. The Board of Management must read and follow the new policy and procedures.

6. Equalities

Who does this impact: The Principal

Assessment in Place? –No this was done at national level for the staff version and is a single role policy and procedure

7. Communities and Partners N/A

8. Risk and Impact

	Likelihood	Impact
Very High (5)		
High (4)		
Medium (3)		
Low (2)		x
Very Low (1)	x	

Total Risk Score 2

There is a risk that without a Disciplinary Policy for the Principal due process may not be followed, By implementing a policy, in line with the national policy for all staff there is a clear process to be followed which supports both the College and the Principal.

BoM Risk Categories & Risk Appetite (Select one area only)			
Cautious <15	Open 15> <20	Eager >20	
Governance	Strategy	People	x
Legal	Financial	Project/Programme	
Property	Reputational		
	Technology		

Is the score above the Board Risk Appetite level? no

Risk Owner – Board of Management

Action Owner – Chair of FRAIC

Paper Author – Ralph Burns

SMT Owner – Alison Stewart



Principal Disciplinary and Dismissal Policy and Procedure

Status	Draft
Date of Version	March 2018
Responsibility for Contents	HR (Inc Nominations) Committee
Responsibility for Review	HR (Inc Nomination) Committee
Impact Assessment Review Date	
Review Date	March 2021
Primary Contact	Board Secretary

1 INTRODUCTION

This document outlines the College Disciplinary and Dismissal policy and procedure. The College recognises the importance of attempting to resolve discipline issues, and welcomes the opportunity to address these matters informally wherever possible.

In particular this document details:

- Some examples of when these procedures will apply
- The steps involved in dealing with disciplinary issues
- The appeal process

2 EQUALITIES IMPACT ASSESSMENT

We welcome feedback on this Policy and the way it operates. We are interested to know of any possible or actual adverse impact that this Policy may have on any groups in respect of gender, race, disability, sexual orientation, religion or belief, age or other characteristics.

An initial Equalities Impact Assessment of this Policy will be carried out. The policy has been written to fully comply with all obligations in respect of employment law and equality legislation and to take account of recommended best practice. It is therefore not anticipated that this policy will result in a negative or adverse impact on the post holder in respect of gender, race, disability, sexual orientation, religion or belief, age or other characteristics.

3 WHO DOES THE POLICY APPLY TO?

This policy applies to the Principal of Forth Valley College of Further and Higher Education.

4 WHEN DOES THE POLICY APPLY?

The Board of Management will apply the procedures set out in this policy if it proposes or contemplates taking disciplinary action against or dismissing the Principal (unless in its sole discretion, it decides that it is inappropriate to do so).

Some examples of the circumstances that these procedures would normally be applied to are:

- suspension with pay (pending an investigation)
- disciplinary action (including dismissal) for a reason related to the Principal's conduct, e.g. misconduct or gross misconduct
- disciplinary action (including dismissal) for a reason related to capability (relating to work performance or absence)
- dismissal for some other substantial reason

This list is not exhaustive.

It may not be appropriate to apply these procedures if:

- a party who would be involved in the procedures reasonably believes that following them would result in a significant threat to the person or to property or the Principal's further harassment
- the case meets the criteria of any other lawful exemption

If the Principal believes that the particular circumstances are such that one of these exclusions applies he/she should explain this to the Chair of the Board of Management.

Misconduct related to work will normally lead to disciplinary action being taken. The type of action that will be taken will be decided in accordance with individual circumstances, including the seriousness of the misconduct and whether it is a first occurrence of unacceptable conduct. Examples of what would be classed as misconduct and gross misconduct can be found in APPENDIX 1.

5 COMPLAINT

Any complaint or grievance against the Principal should be made in writing to the Chair of the Board of Management, who will then designate the Chair of the HR (Inc. Nominations) Committee (or the Senior Independent Member of the Board of Management – for the purpose of this document these terms are interchangeable) to review and if necessary launch an investigation into the complaint or grievance.

The Chair of the HR (Inc Nomination) Committee may seek legal or independent professional advice, if required, when determining the most appropriate course of action, if any, is to be taken.

6 INVESTIGATION

Following the initial fact finding and review and before any form of disciplinary action is taken or dismissal occurs the Board of Management will normally undertake an investigation. In certain circumstances the Board of Management may consider that it is not appropriate to carry out an investigation, for example:

- where the issue is relatively minor; or
- the Principal has been caught in the act and there are no mitigating circumstances;
- he/she has admitted that they were in the wrong.

In circumstances where an investigation is not considered necessary, the Chair of the HR (Inc Nomination) Committee will normally conduct a further fact finding meeting and any subsequent disciplinary hearing where appropriate.

The Board of Management will endeavour to ensure that investigations are completed in the shortest time consistent with the necessity for a full and thorough examination of the facts. If the Principal's actions are subject to investigation, they will be informed of this prior to the commencement of the investigation. Although each incident will require different forms of investigation, the process should allow for:

- appropriate enquiry into the background of the alleged misconduct
- an opportunity for the Principal to offer an explanation
- a balanced view to be taken on all of the facts and recommendations on how to proceed

Where relevant an Investigating Officer will be appointed by the Chair of the HR (Inc. Nomination) Committee from amongst the non-executive membership of the Board of Management. Board Members involved in this process shall be entitled to seek external legal advice at any point during the process. The Secretary to the Board of Management or Depute Secretary of the Board of Management may be requested to be note taker at investigatory meetings to support the Investigating Officer, or the Investigating Officer may request an external note taker be provided. All College staff will be required to cooperate fully in such an investigation. College staff will have no formal role in the process beyond this.

In the paragraph below, 'a witness' refers to any employee who is involved in the investigation, including the Principal who is subject to investigation.

Where the Investigating Officer requires to interview a witness who is absent from work due to sickness, the witness will be contacted to state that they are required to participate in the investigation. Usually the witness statement from the sick witness will be taken on their return to work, or sooner where the witness feels able to participate in the investigation before this time.

Where relevant the Investigating Officer may write to any witness who remains unfit for work to ask for written responses to their questions to allow them to conclude their investigation. However, where a witness' absence is prolonged they may be asked to attend the College's occupational health service for an independent medical opinion. This is primarily to support the management of the witness' sickness absence case (in line with the Absence Management Policy) but also to determine when the witness will reasonably be able to participate in the investigation in order that the investigation can be concluded as quickly as possible to the benefit of all parties concerned.

Once the investigation is complete, the Investigating Officer will prepare a written report on the basis of the available information and make recommendations on how to progress the case to the Chair of the HR (Inc Nominations) Committee. The report will be made available to the Principal if the matter progresses to a formal hearing.

The Chair of the HR (Inc. Nomination) Committee will take the decision if a disciplinary hearing is appropriate in the circumstances. Before a hearing is convened, the Chair of the HR (Inc. Nomination) Committee, who would normally be the chair of the potential hearing, will review the investigatory report and associated evidence where appropriate. The Chair of the HR (Inc. Nomination) Committee will then decide whether they consider the alleged misconduct serious enough, and if there is sufficient evidence to take the case forward to a formal hearing.

Where the grounds are not deemed serious enough and / or there is not sufficient evidence to warrant a formal disciplinary hearing, the Chair of the HR (Inc. Nomination) Committee may choose to either progress informal action (see Section 7) or take no further action. Under such circumstances the Principal will be contacted to confirm that no further formal action is being taken.

In the case where formal action is appropriate, the date of a disciplinary hearing will be notified to the Principal as soon as reasonably possible on the completion of the investigation. It may be appropriate for the Investigating Officer to attend the disciplinary hearing in order to present the findings of the investigation.

Where the allegations relate to financial irregularities or possible illegality, the Chair of the Board of Management shall be immediately informed. Further investigation by the Internal Auditors may be considered necessary.

So far as is reasonable, confidentiality will be maintained throughout the processes carried out in terms of this Policy. Such confidentiality will apply to all parties involved, including the Principal

An overview flowchart of this process is provided as APPENDIX 2 to this Policy.

7 SUSPENSION

If the Principal is suspended they will be given written confirmation of the reason(s) for suspension and the date from which this takes effect. The written confirmation will be issued within 5 working days of the start date of suspension.

It will be made clear to the Principal that investigative, or precautionary, suspension is not a disciplinary sanction and is not in any way to be considered as a sanction in respect of any alleged misconduct.

The Principal may only be suspended on the authority of the Chair of the HR (Inc. Nomination) Committee following consultation with the Chair of the Board of Management. The period of suspension will be as short as possible.

The College recognises that if the Principal is placed on suspension they have a right of confidentiality and that publicity can cause unnecessary embarrassment and suffering. It is policy therefore that, so far as is reasonable, there will be no disclosure of allegations other than to those who may be professionally involved or require to be consulted as part of the investigation.

The Investigating Officer will remind all those involved in the investigation of their obligation to maintain confidentiality. However the Principal should be made aware that it may be necessary to disclose certain information so that the College can fully investigate the circumstances of the allegation(s).

8 INFORMAL DISCIPLINARY ACTION

This is normally the first level of a disciplinary procedure for first occurrences of misconduct other than misconduct which is deemed serious enough to warrant a formal procedure.

The emphasis is upon the Chair of the Board of Management or Chair of the HR (Inc. Nomination) Committee, discussing the situation with them and listening to any mitigating circumstances from which agreed remedial action can be taken or developed. The Principal will be made aware that further misconduct could result in formal disciplinary action being instigated. This will constitute an informal warning.

An accurate note of the meeting will be taken and kept for future reference by the Board Member initiating the discussion. The Board Member will provide the Secretary to the Board of Management with a file copy of the note of the meeting and this will also be recorded on the HR Information System. Such a record is to be expunged after a period of 6 months.

The purpose of an informal warning is to provide an opportunity for improvement without the necessity of invoking the formal disciplinary procedure.

9 FORMAL DISCIPLINARY ACTION

9.1 Convening a Hearing

When it appears that the Principal's work, behaviour, conduct, omission or capability is such as to warrant formal disciplinary action, the Principal will be invited to a disciplinary hearing.

The Principal will be given at least 5 working days' notice of the disciplinary hearing, he/she will be advised of the allegations against them, and / or the circumstances surrounding their case, and that the outcome of the hearing may include disciplinary action, up to and including dismissal. During the course of the investigation, further or different allegations may arise and these will be outlined in the notice of a disciplinary hearing.

The Principal will be provided with a copy of any investigatory report and all other associated evidence.

Where the Principal wishes to call or obtain statements from witnesses other than those carried out by the Investigating Officer (internal or external to the College), this must be discussed and agreed with Chair of the HR (Inc. Nomination) Committee prior to any contact being made.

All contact with witnesses and external people/organisations must be carried out on a professional basis and maintain the confidentiality of the process for both the Principal and the College. It is the responsibility of the Principal and/or their representative to make any necessary arrangements in respect of taking statements and arranging for their witnesses to attend the hearing if required.

Where the Principal intends to call witnesses, refer to witness statements or other documentation, the names of the witnesses and copies of all statements/documents must be provided to the Chair of the hearing no later than 3 working days in advance of the hearing. Failure to submit this information could result in the information being unable to be considered at the hearing. Witness working patterns will be taken into account when arranging the Disciplinary Hearing; this may be out with the relevant timescales.

Where the Principal is absent from work due to sickness, they will be asked if they are fit to attend the hearing. Where the Principal considers themselves unfit to attend the hearing, they will be asked to attend an appointment with the College's occupational health provider. Where the Principal refuses to attend an occupational health appointment it is likely that the disciplinary hearing will be convened in their absence.

9.2 Right to be Accompanied

The written statement inviting the Principal to attend the disciplinary hearing will remind the Principal of their right to be accompanied at the disciplinary hearing by a companion who is either:

- a colleague who works for the College; or
- a legal representative

If the Principal reasonably requests that such a person attends a formal hearing with them but that companion cannot attend, the College will postpone the hearing once, to give the Principal the opportunity to make alternative arrangements. Normally the postponement will not be any longer than 5 working days. If the Principal wishes a longer postponement they must explain this to the Chair of the hearing who will consider the reasonableness of the request with the Chair of the Board of Management.

A companion may not answer questions on the Principal's behalf.

9.3 Disciplinary Hearing Panel

The hearing will be convened as soon as practicable. The Chair of the hearing shall be entitled to request a professional advisor, who may be an external individual with a legal or other relevant background. The Chair of the hearing shall be the Chair of the HR (Inc. Nomination) Committee

9.4 Conducting the Hearing

The Chair of the hearing will outline the format of the disciplinary hearing. The Investigating Officer will usually present the facts found during the investigation. However, if the Investigating Officer is not present, the Chair will present the facts on behalf of the Investigating Officer. The Principal will then be given the opportunity to reply to the allegations against them, if any, or to the circumstances surrounding their case, present a defence and / or put forward mitigating circumstances which are relevant to their case.

During the hearing either party may request a brief adjournment to enable private discussion.

In exceptional circumstances, the College may wish to adjourn the hearing to allow for further investigation or gather further evidence. In such circumstances, it may be necessary to reconvene the hearing on a later date.

Prior to the conclusion of the hearing the Principal will be given the opportunity to make a final statement. Thereafter the Chair shall adjourn the hearing and consider the matter in private along with their chosen professional advisor. The Chair's role is to determine whether or not it is reasonable, given all the evidence and circumstances, to impose a disciplinary sanction and the level of sanction. The Chair will either recall the Principal and any representative and give the decision verbally, or advise that the outcome will be confirmed in writing normally within 10 working days.

At the conclusion of any hearing resulting in disciplinary action, the Principal will be advised of the right of appeal.

The Principal will be issued with written confirmation of any disciplinary action resulting from a disciplinary hearing within 10 working days of the conclusion of the hearing. This will include, where relevant, details of any previous issues relating to them, details of any timescales within which improvement is to be achieved and the likely consequences if there is no improvement. A copy of the written confirmation will be retained in their personnel file.

9.5 DISCIPLINARY ACTION

In cases where there is a reasonable belief of the Principal's guilt of the alleged misconduct the following disciplinary action may be taken:

9.5.1 DISCIPLINARY SANCTIONS

- a) For minor offences, a formal **verbal warning** will be issued making it clear that further misconduct and / or failure to improve will render the Principal liable to further disciplinary action. They will be told the reason for the warning and what action they need to take to reach an acceptable standard of conduct. If appropriate, they will be offered extra training and/or counselling and given a time limit for improvement.
- b) For a more serious offence, or further misconduct following a lesser warning, or where the Principal has failed to respond satisfactorily to earlier warnings a **written warning** will be issued making it clear that further misconduct and / or failure to improve will render the Principal liable to further disciplinary action. They will be told the reason for the warning and what action they need to take to reach an acceptable standard of conduct. If appropriate, they will be offered extra training and/or counselling and given a time limit for improvement.
- c) Where the severity of misconduct merits it, or further misconduct following a lesser warning happens, or where the Principal has failed to respond satisfactorily to earlier warnings where the warning is extant/live, a **final written warning** will be issued making it clear that further misconduct and / or failure to improve will render the Principal liable to further disciplinary action and could result in their dismissal. They will be told the reason for the warning and what action they need to take to reach an acceptable standard of conduct. If appropriate, they will be offered extra training and/or counselling and given a time limit for improvement.
- d) For an act or acts of further misconduct, other than gross misconduct, and / or failure to improve when still subject to a previous warning, the Principal may be liable to **dismissal** with notice or with pay in lieu of notice.

- e) In cases where gross misconduct is alleged and is established on the balance of probabilities, the Principal will be liable to **summary dismissal** and have no entitlement to notice or pay in lieu of notice.

Warnings may only be authorised by the Chair of the hearing. If a warning is issued, that fact shall be recorded in the Principal's personnel file.

9.5.2 RETENTION PERIODS

Subject to satisfactory conduct, warnings will normally be expunged from the Principal's personnel file after the following period:

Verbal Warning - 6 months from the date of issue

Written Warning - 12 months from the date of issue

Final Written Warning - 18 months from the date of issue

If on appeal, or any other reconsideration, any disciplinary action is effectively withdrawn, then all written reference to that action will be expunged from the Principal's personnel file and they will be notified accordingly.

Where their conduct is such that a pattern of abuse of the system emerges, or that due to the nature of the offence, evidence of satisfactory conduct can only be satisfied over an extended period, warnings will remain on their record for a longer period to be determined by the Chair of the disciplinary hearing. They will be notified of the length of time for which the warning will remain extant.

The College reserves the right to omit any stage of the procedures if the Chair of the HR (Inc. Nomination) Committee considers that it is appropriate to the individual circumstances, whilst ensuring that the procedure adopted is compliant with ACAS guidelines.

10 APPEALS

The Principal may appeal against any formal disciplinary action taken under the above procedures. Appeals should be submitted in writing by the Principal within 5 working days of receipt of the confirmation of a disciplinary action. The appeal should be submitted to the Chair of the HR (Inc. Nomination) Committee. The Principal should also make clear the basis of their appeal, i.e.

- they have not committed the alleged act or acts of misconduct (if so, new evidence should be submitted); and/or
- the disciplinary sanction decided upon.

An appeal will not normally be by way of re-hearing unless the Principal has additional material to introduce which was not available at the time of the disciplinary hearing. Normally, the appeal hearing will reconsider the original decision.

If the decision that the employee is appealing is a decision to dismiss them, the appeal hearing may take place after their dismissal has taken effect.

Appeal hearings will be arranged as soon as possible and normally within 4 working weeks of receipt of the appeal but this may depend on the availability of persons holding the appeal or on other factors. Reasonable notice of the date of an appeal will be given.

The College will remind the Principal of their right to be accompanied at the appeal hearing.

10.1 Appeal Panel

Appeals will be heard by the Chair of the Board of Management. Panels will comprise of one other person from the non-executive members of the Board of Management. Any person previously involved in the case will be excluded from membership of the panel. The Secretary to the Board, Depute Secretary to the Board or an external resource may attend as note taker and external advisors may be invited at the discretion of the Chair of the Board of Management. All supporting papers will be issued to Panel members prior to the date of the Appeal Hearing.

10.2 Appeal Procedure

At any appeal hearing the Principal will be given the opportunity to submit a case for confirmation, reduction or withdrawal of the disciplinary action taken. If the Principal is appealing the decision they should submit further / new evidence for the panel's consideration.

Where the Principal wishes to call or obtain statements from witnesses other than those obtained as part of the original investigation / hearing (internal or external to the College), this must be discussed and agreed with the Chair of the Board of Management prior to any contact being made. The names of the witnesses and copies of all statements must also be provided to the Chair of the appeal hearing no later than 3 working days in advance of the appeal hearing.

All contact with witnesses and external people/organisations must be carried out on a professional basis and maintain the confidentiality of the process for both the Principal and the College.

It is the responsibility of the Principal and/or their representative to make any necessary arrangements in respect of taking statements and arranging for their witnesses to attend the hearing if required.

In submitting an appeal, the Principal must be aware that the severity of sanction could be increased as well as being reduced.

The decision of an appeal panel may be given immediately after the conclusion of the appeal hearing or in writing, within 10 working days of the appeal procedure being concluded.

The College will either:

- uphold the original disciplinary decision and confirm the original disciplinary sanction or dismissal (no change)
- confirm the original disciplinary decision and substitute a new sanction (increase or decrease to sanction)
- overturn the disciplinary decision (remove the disciplinary sanction).

There is no right of further appeal.

Appendix 1

MISCONDUCT

Most breaches of disciplinary rules fall within this category and would not normally result in dismissal, except in cases of repeated misconduct after a warning or warnings have been given. Examples of misconduct are given below, but are not exclusive or exhaustive:

- a) Negligence in the performance of official duties or non-compliance with College procedures;
- b) Habitual poor timekeeping or absence;
- c) Discrimination (on the basis of any of the protected characteristics i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation)), harassment, bullying or intimidation of other employees or members of the public. In certain circumstances the seriousness of an offence may result in an immediate charge of Gross Misconduct;
- d) Refusal to carry out a reasonable instruction from an appropriate manager;
- e) Failure to wear protective clothing when required or not using safety equipment provided for any specific task;
- f) Undertaking any form of unauthorised private business activity which, in any way is in conflict with the interests of the College, or which relates to the nature of the duties undertaken by the individual;
- g) Misuse of College IT facilities including inappropriate use of the Internet;
- h) Disclosure of information in contravention of rules on Data Protection;
- i) Inappropriate or offensive behaviour or conduct;
- j) Careless disregard of the College's rules or a breach of its policies and procedures.

GROSS MISCONDUCT

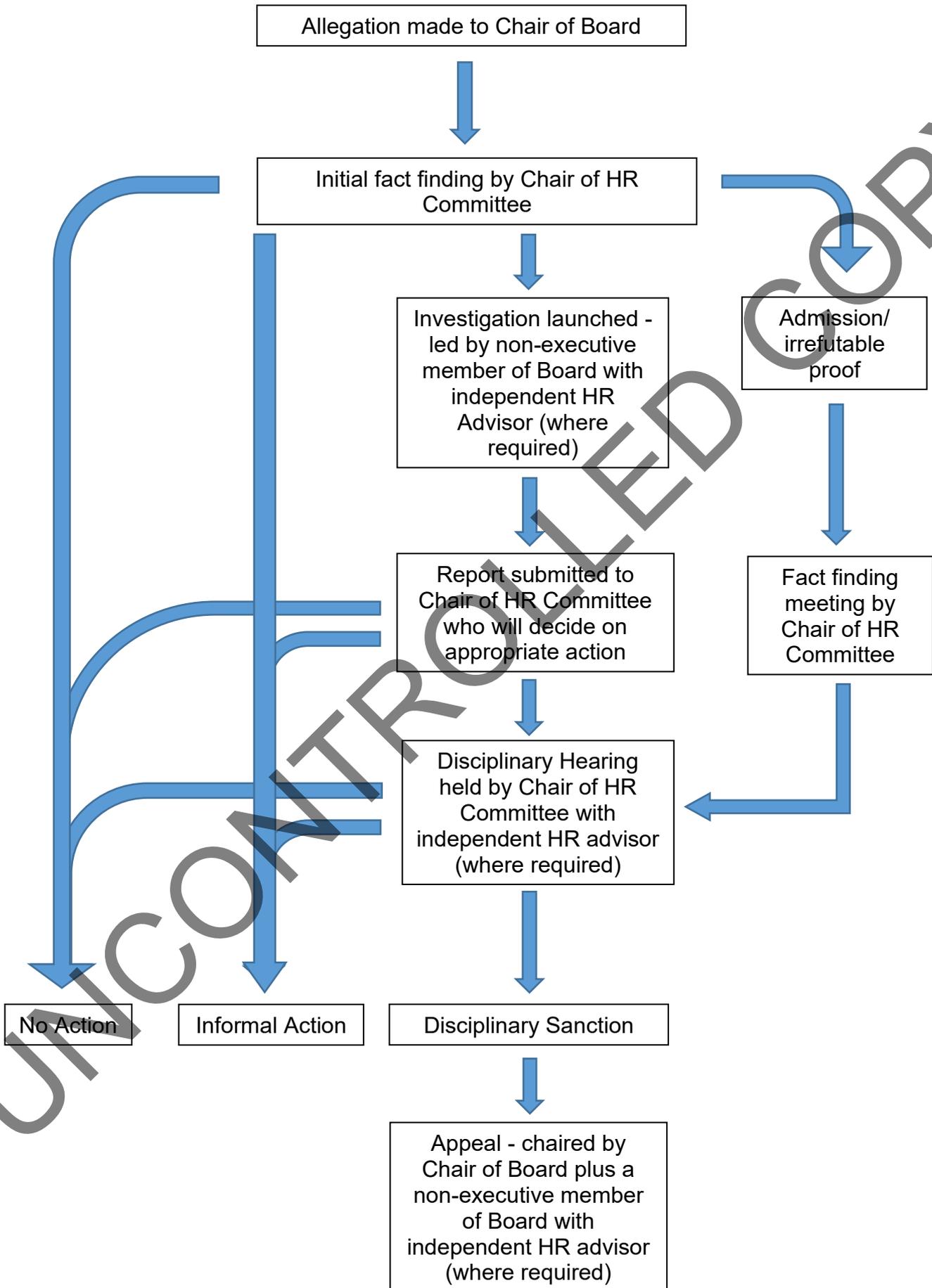
Gross misconduct will be considered to have taken place when the Principal's conduct, behaviour or omission, whether in the course of employment or otherwise, is so grave as to strike at the basis of the relationship between employer and employee.

The following list of offences arising in the course of employment are examples of incidents that may be treated as gross misconduct. Examples given below are not exclusive or exhaustive.

- a) Inability to carry out the functions of the post due to being under the influence of alcohol and/or drugs;
- b) Wilful damage to, or destruction of property or equipment;
- c) Theft or unauthorised possession of property or facilities belonging to the College or another employee or student;
- d) Fraud or deliberate falsification of official documentation for example College records, registers, reports, accounts, expenses claims or falsely awarding pass marks to students;

- e) Repeated or serious refusal to carry out any legitimate instruction from an appropriate or senior manager;
- f) Absence from work without permission or without notification or contrary to the conditions on which specific permission to be absent has been granted;
- g) Serious negligence in the performance of official duties or non-compliance with College procedures which causes or might cause unacceptable loss, damage or injury;
- h) Conduct likely to bring the College into disrepute, for example damage to college reputation, abusive language, violent behaviour, fighting, threatening violence, immoral or obscene conduct, whether within or outside the workplace;
- i) Excessive or inappropriate use of foul or abusive language or threats made to other employees, students or members of the public;
- j) Conviction of a criminal offence considered potentially damaging to the College, or preventing an individual from performing their work;
- k) Serious disregard to any safety requirement imposed by law or specified within the College Safety Policy documents;
- l) Serious discrimination (on the basis of any of the protected characteristics i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation) harassment or intimidation of other employees, students or members of the public;
- m) Inappropriate relationship or behaviour with a College student;
- n) Misuse of the College's property or name or otherwise bringing the College into serious disrepute;
- o) Serious misuse of IT facilities including downloading or viewing pornographic images from the intranet;
- p) Serious breach of confidence (subject to the Public Interest Disclosure Act 1998) or serious breaches of rules on Data Protection;
- q) Serious breach of trust and confidence.

Appendix 2





Principal Disciplinary Policy

Status	DRAFT
Date of Version	November 2025
Responsibility for Contents	Finance, Resource and Infrastructure Committee
Responsibility for Review	Finance, Resource and Infrastructure Committee
Review Date	September 2028
Primary Contact	Board Secretary

Policy

1. Introduction

This policy is designed to help and encourage appropriate standards of behaviour and conduct for the Principal, and their colleagues' safety and well-being. The policy provides a framework for dealing with potential misconduct with the focus on encouraging conduct which is unsatisfactory to improve.

All disciplinary matters will be dealt in a sensitive and respectful manner, with the confidentiality of those involved maintained.

This policy should be read in conjunction with the Disciplinary Procedure to fully understand the whole disciplinary process.

2. Scope

This policy applies to the Principal of Forth Valley College of Further and Higher Education.

This policy does not apply where there is:

- An issue of competence or capability, this will be dealt with under the Performance Improvement Policy or equivalent.
- Ill health, this will be dealt with under the Sickness Absence policy or equivalent.

3. Key Principles

The following key principles will be applied in each situation and will be reflected in college procedures and practices:

- Disciplinary cases must be dealt with promptly without unnecessary delay, sensitively and respect the privacy of those involved.
- Many potential disciplinary issues can be resolved informally with appropriate, suitable support, counselling, or another approach, such as further training, to resolve problems. Managers should seek to resolve misconduct issues at the lowest possible level, and consider informal action, when appropriate, to resolve issues.
- Where an issue cannot be resolved informally, or it is not appropriate to do so, the disciplinary procedure must be followed. The Principal will be:
 - Informed in writing, that they are the subject of a disciplinary investigation and advised of the disciplinary allegation(s).
 - Provided with a copy and/or link to this policy and to the procedure that will be applied.
 - Provided details of any Employee Assistance or counselling services available, as well as reviewing and considering the wellbeing of the Principal throughout the process.
 - Given information on the next steps and indicative timescales for investigation to be completed.
- An investigation will be undertaken by an Investigating Officer who will be objective and impartial, to establish the facts relating to the disciplinary allegation(s).
- Following conclusion of the investigation, an appointed Nominated Officer will consider the investigation report and decide if a formal disciplinary hearing is required or no case to answer. In any event mutually agreed additional support may be required.

- The Principal will be informed in writing of the disciplinary allegation(s) against them, along with a copy of the investigation (including statements and any other material information considered) in advance of the hearing.
- The Principal has the right to be accompanied by: (1) an accredited representative of a trade union; (2) a work colleague; or (3) an official employed by a trade union. All the above will be referred to in the policy and accompanying procedure as the 'companion'.
- At the disciplinary hearing, the disciplinary allegations will be outlined (in the invite to the disciplinary hearing). The investigation will be presented, and the Principal will be provided with the opportunity to state their case and respond to the investigation before a final decision is made.
- It is not normal to be dismissed for a first offence except in cases of gross misconduct / negligence.
- The Principal will have the right of appeal against any formal disciplinary action.
- Information relating to disciplinaries will be destroyed in line with college's data retention schedule, subject to related legal requirements.
- When the Principal raises a grievance during a disciplinary process, the disciplinary process may be suspended to allow the grievance to be heard. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently. Each case will be considered on its own merits.
- The college will ensure relevant parties have the appropriate training to undertake the roles described in this policy.

3.1 Reasonable Adjustments

Colleges will ensure throughout the disciplinary that they do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate if required or making reasonable adjustments to procedures to ensure that they do not put anyone with a protected characteristic at a substantial disadvantage. This might mean someone else attending the disciplinary process meetings in addition to the companion (see section 3). For example, a British Sign Language signer, a translator or a support worker or someone with knowledge of the Principal's specific needs.

4. Roles and Responsibilities

4.1 The Principal will:

- Ensure they are familiar with the standards of conduct expected by the college. This may include reviewing the following policies, or their equivalents. For example: [Professional Relationships at Work Policy and Procedure.docx](#), [Prevention of Harassment and Bullying Policy and Procedure.docx](#)
- Consider seeking advice and support from their trade union representatives at any point of the disciplinary process.
- Treat any information shared with them as part of a disciplinary investigation or part of the disciplinary process as confidential, except for discussing matters with their companion or trade union.

4.2 The Board of Management will:

- Ensure that they and the Principal are fully conversant with the disciplinary rules and procedures in place and can act in line with the procedures. The Board will make full use of the informal disciplinary stages, when possible, to prevent minor disciplinary problems from escalating unnecessarily.
- Will designate the Chair of the Finance, Resource & Infrastructure Committee (FRAIC) (or the Senior Independent Member of the Board of Management – for the purpose of this document these terms are interchangeable) as nominated officer/chair to review and if necessary launch an investigation.
- Always act promptly to deal with any misconduct on the part of the Principal. A failure to communicate to the Principal that they do not meet the required standards may lead the Principal to assume that their conduct is satisfactory.
- Ensure that they and all relevant parties undertake appropriate training relevant to their role in the disciplinary process.
- Seek advice from Human Resources (HR) if they are unclear on a potential disciplinary issue.

4.3 Independent HR Representatives will:

- Provide advice and support to the Principal on the application of this Policy and on all stages of the disciplinary procedure.
- Provide advice and support to Nominated Officer on the processes and legal compliance on employment matters.
- Provide advice and support on consistency of application of the Policy and Procedure.
- Inform the Chair of the Board and Depute Principal if there are areas of concern in relation to the application of this Policy and Procedure.

4.4 Trade Union Representatives/companion will:

- Provide advice and support to the Principal throughout the disciplinary process.

5. Links to Other Policies/Documents

[Grievance Policy and Procedures](#)

[Whistleblowing Policy and Procedure.doc](#)

[Managing and Supporting Performance Policy and Procedure.docx](#)

6. Further Sources of Information

- a) The Principal can access confidential counselling support that is available via the College. This can be accessed by telephoning 0800 882 4102 or via their website www.pamassist.co.uk.
- b) Further information can be found here:
 - [Acas Code of Practice on disciplinary and grievance procedures | Acas](#)
 - [Dealing with problems at work | TUC](#)
 - [The Model Complaints Handling Procedures | SPSO](#)



Principal Disciplinary Procedure

Status	DRAFT
Date of Version	November 2025
Responsibility for Contents	Finance, Resource and Infrastructure Committee
Responsibility for Review	Finance, Resource and Infrastructure Committee
Review Date	September 2028
Primary Contact	Board Secretary

Procedure

1. Introduction

This disciplinary procedure outlines the steps the Board of Management will take when a Principal's behaviour is believed to fall below expected standards. It ensures that issues are dealt with fairly, consistently, and in accordance with the disciplinary policy and employment law.

The attached **Annex (appendix 1)** is an indicative list of the types of misconduct which will normally result in disciplinary action.

2. Timescales

A formal Disciplinary process may have an impact on an employee's health and wellbeing. Therefore, it is important to progress the process within a reasonable timescale.

Timescales should be specified, agreed and adhered to unless there are exceptional circumstances, for example, the availability of key individuals and/or operational (business) reasons.

It is essential that any delays to timescales are communicated appropriately as soon as possible. Further information can be found here: [Acas Code of Practice on disciplinary and grievance procedures | Acas](#).

3. Informal Disciplinary Action (Outside the Formal Procedure)

When an instance of perceived unsatisfactory conduct occurs, the representative of the Board of management, normally the Chair of the FRAIC must assess whether it is appropriate for them to deal with the matter through informal discussion, or whether it should move to a formal disciplinary investigation.

The representative should informally discuss the matter with the Principal. They should explain their issue, complaint, or concern and provide advice and guidance to the individual on what improvements are expected. Taking prompt action when minor lapses from acceptable standards of conduct occur may prevent a recurrence.

The purpose of taking informal action is so that the Principal is made aware of any concerns that the college may have and what is expected in the future. This will also give the Principal the opportunity to raise any issues or provide any information to the college at an early stage that assists all parties in ensuring that we are working towards the common goal of providing excellent service.

The college will keep a confidential written record of informal actions for future reference.

When dealing with a matter informally, the representative will discuss the matter with the Principal and advise them that the course of action is out with the formal Disciplinary Procedure.

4. Precautionary Suspension

There may be occasions when it is considered inappropriate for an employee to be at work, due to the nature and seriousness of the alleged misconduct. Suspension does not mean someone has done something wrong and should not be used to discipline employees.

If the Principal is precautionary suspended they will be given written confirmation of the reason(s) for precautionary suspension and the date from which this takes effect. The written confirmation will normally be issued within 5 working days of the start date of precautionary suspension.

It will be made clear to the Principal that investigative, or precautionary suspension is not a disciplinary sanction and is not in any way to be considered as a sanction in respect of any alleged misconduct.

The Principal may only be suspended on the authority of the Chair of FRAIC following consultation with the Chair of the Board of Management.

The College recognises that if the Principal is placed on precautionary suspension they have a right of confidentiality, and that publicity can cause unnecessary embarrassment and suffering. So far as is reasonable, there will be no disclosure of allegations other than to those who may be professionally involved or require to be consulted as part of the investigation.

The Investigating Officer will remind all those involved in the investigation of their obligation to maintain confidentiality. However, the Principal should be aware that it may be necessary to disclose certain information so that the College can fully investigate the circumstances of the allegation(s).

Precautionary suspension will always be on full pay inclusive of any regular allowances and/or contractual payments and will be in line with any agreed college procedure.

Precautionary suspension must always be for as short a period as possible, and the Principal will be notified in writing if there are any proposed extensions.

Further information about suspension is [here](#).

5. Grievance Raised During Disciplinary Proceedings

When the Principal raises a grievance during a disciplinary process the disciplinary process may be suspended to allow the grievance to be heard.

Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently. Each case will always be considered on its own merits.

For further information about grievances this can be found [here](#)

6. Roles and Responsibilities

The Investigating and Nominated Officers/Hearing Chair will be fair and objective, independent to the case and available to carry out their role promptly.

Investigating Officer	Nominated Officer/Hearing Chair
To investigate the allegation(s) and establish the facts.	To review the outcome of the disciplinary investigation and be responsible for: Deciding if a case is to proceed to a disciplinary hearing. Hearing the case and ensuring the Principal has a fair opportunity to present their case. Deciding on disciplinary action, based on all evidence presented and appropriate level of sanction and/or other supports.

	<p>Communicating the decision to the Principal, including their rational for their decision.</p> <p>Explaining the decision at any subsequent appeal.</p>
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In the paragraphs below, 'a witness' refers to any employee who is involved in the disciplinary process including the Principal, who is the subject of investigation.

Where the Investigating Officer requires to interview a witness who is absent from work due to sickness, the witness will be contacted to state that they are required to participate in the investigation. Usually, the witness statement from the absent witness will be taken on their return to work, or sooner where the witness feels able to participate in the investigation before this time.

Where a witness is absent for a prolonged period they may be asked to attend the College's occupational health service for an independent medical opinion. This is primarily to support the management of the witness' sickness absence case (in line with the Absence Management Policy) but also to determine when the witness will reasonably be able to participate in the investigation in order that the investigation can be concluded as quickly as possible to the benefit of all parties concerned. Remote meetings may take place where face to face meetings are not practical or support the progress of the investigation. Where relevant, the Investigating Officer may contact any witness who remains unfit for work to ask for written responses to their questions to allow them to conclude their investigation.

The Principal, or any person acting on their behalf, is not permitted to record electronically any meeting held by the organisation as part of the disciplinary process. This is to encourage openness and full participation by all parties during meetings. Any breach of this provision may lead to disciplinary action against the employee, up to and including dismissal. The college may use electronic transcription methods to record and transcribe the meeting as part of the note taking process.

In certain limited circumstances, the college may permit the meeting to be recorded electronically. For example, where the Principal has a disability, it may be appropriate as a reasonable adjustment under the Equality Act 2010. Where the college permits the meeting to be recorded electronically, it will take responsibility for making the recording. This will be retained in line with the destruction register and/or procedural requirements.

An overview flowchart of the process to be followed is provided as Appendix 2.

7. Disciplinary Investigation

A disciplinary investigation will take place following the decision that alleged misconduct requires to be investigated. The Principal will be notified, in writing, that they are the subject of a disciplinary investigation and advised of the allegations of the alleged misconduct along with the possible outcome.

Where relevant an Investigating Officer will be appointed by the Chair of FRAIC from amongst the non-executive membership of the Board of Management. Board Members involved in this process shall be entitled to seek external legal advice at any point during the process. The Secretary to the Board of Management or Depute Secretary of the Board of Management may be requested to be note taker at investigatory meetings to support the Investigating Officer, or the Investigating Officer may request an external note taker be provided. It may be appropriate in some cases for the investigating officer to be appointed from an external source. All College staff will be required to cooperate fully in such an investigation. College staff will have no formal role in the process beyond this.

The purpose of carrying out an investigation is to gather all relevant facts relating to the allegation(s), in an objective, prompt and impartial manner. Conducting an objective and thorough investigation ensures that the Principal is given an opportunity to explain the circumstances and provide any mitigating factors and that all relevant facts are considered.

7.1 Establishing Information

If there is any doubt in the information, the Investigating Officer will try to seek corroborating information from other sources. If no information is available, the Investigating Officer will highlight this in their report.

The Investigating Officer will interview witnesses able to provide information on the allegation(s) being investigated.

7.2 Investigating Officers Report

The Investigating Officer will produce a report detailing the findings and give an indication to the Principal when this will be completed. If timescales change the Principal will be updated.

The Nominated Officer/Chair will review the Investigating Officer's report. They will decide if there is sufficient evidence to proceed to a disciplinary hearing, or if other alternative action needs to be taken.

Where the grounds are not deemed serious enough and / or there is not sufficient evidence to warrant a formal disciplinary hearing, the nominated officer/chair may choose to either progress informal action (see Section 3) or take no further action. Under such circumstances the Principal will be contacted to confirm that no further formal action is being taken.

If this is the case, the disciplinary investigation will be destroyed unless the case involves a young person or vulnerable adult.

The Principal must be informed in writing of any decision.

8. Disciplinary Hearing

Where a disciplinary hearing is required, the Principal will be provided with at least five working days' notice in writing, they will be advised of the allegations against them, and / or the circumstances surrounding their case, and that the outcome of the hearing may include disciplinary action, up to and including dismissal. During the course of the investigation, further or different allegations may have arisen, and these will be outlined in the notice of a disciplinary hearing. The written notification will include copies of the investigation report together with any other evidence to be referred to in the hearing.

The purpose of the hearing is to establish the facts, take account of the findings of the investigation and hear the case presented. The hearing will normally be held in person. In certain circumstances, consideration will be given to holding the hearing in an alternative format.

Where the Principal wishes to call or obtain statements from witnesses other than those carried out by the Investigating Officer (internal or external to the College), this must be discussed and agreed with Chair of FRAIC prior to any contact being made.

All contact with witnesses and external people/organisations must be carried out on a professional basis and maintain the confidentiality of the process for both the Principal and the College. It is the responsibility of the Principal and/or their representative to make any necessary arrangements in respect of taking statements and arranging for their witnesses to attend the hearing if required.

Where the Principal intends to call witnesses, refer to witness statements or other documentation, the names of the witnesses and copies of all statements/documents must be provided to the Chair of the hearing no later than 3 working days in advance of the hearing. Failure to submit this information could result in the information being unable to be considered at the hearing. The Principal's working patterns will be taken into account when arranging the Disciplinary Hearing, this may be out with the relevant timescales.

If the Principal wishes to call a witness, and that witness declines to attend the hearing, a written witness statement may be accepted as appropriate evidence.

9. Non-Attendance of a Disciplinary or Appeal Hearing

9.1 Due to Ill Health

Where the Principal is absent from work due to sickness, they will be asked if they are fit to attend the hearing. Where the Principal considers themselves unfit to attend the hearing, they will be asked to attend an appointment with the College's occupational health provider. Where the Principal refuses to attend an occupational health appointment it is likely that the disciplinary hearing will be convened in their absence.

9.2 Failure to Attend

Where the Principal fails to attend the hearing without a reasonable explanation, then the college will offer a further date for the hearing.

If the Principal is repeatedly unable or unwilling to attend a disciplinary meeting without a reasonable explanation or within a reasonable timescale, the hearing will be held in the Principal's absence and the college will decide on the evidence available.

10. Conducting a Disciplinary Hearing

At the hearing, the Nominated Officer/Chair will:

- a) Make introductions and explain roles.
- b) Explain the purpose and format of the hearing.
- c) Outline the allegation(s) and potential disciplinary action.
- d) Confirm with the Principal that they understand the process and are satisfied with the arrangements.

The Investigating Officer will usually be available to attend a disciplinary hearing to present the facts found during the investigation, however, if the investigating officer is not present, an appropriate independent representative will present the facts on behalf of the investigating officer.

Each witness may be called (if required) and potentially be questioned by the Nominated Officer/Chair or the Principal. The Principal /companion will set out their case in response to the allegation(s) and the Principal will respond to any questions from the Nominated Officer/Chair. The Principal will be requested to sum up their case.

10.1 Reaching a Decision

When the Nominated Officer/Chair is reaching their decision, they must consider the nature of the misconduct, any live disciplinary record, and any mitigation provided by the Principal and be consistent with action taken in similar cases. They should seek guidance from the Independent HR representative.

10.2 Communicating the Decision

The decision may be given verbally at the hearing, following an adjournment but must always be confirmed in writing to the Principal as soon as possible and not normally longer than 10 working days from the date of the hearing. The Principal will be kept updated if there is any delay. A copy of the meeting minutes will also be made available.

11. Disciplinary Hearing Outcomes

The outcomes following a hearing can be no action, written warning, final written warning, action short of dismissal and dismissal.

11.1 No Action

At the disciplinary hearing, the Nominated Officer/Chair will decide whether disciplinary action is required or if suitable support, counselling, or another approach, such as further training, will be more appropriate.

The Principal will be provided with the outcome in writing.

11.2 Written Warning

A first/minor offence may be given a written warning, which should be held on the Principal's HR file for a period of six months for disciplinary purposes and will then be removed, along with any paperwork.

11.3 Final Written Warning

A final written warning may be given where:

- a) The Principal, who has been issued with a first written warning fails to achieve or maintain the required levels of behaviour and/or conduct, or there is a further act of misconduct.
- b) The misconduct or behaviour is considered sufficiently serious, and the action needs to reflect the situation.

A final written warning will be held on the Principal's HR file for a period of 12 months for disciplinary purposes.

11.4 Action Short of Dismissal

This can be used as an alternative to dismissal and kept on the Principal's HR file for up to a further period of 12 months.

Action short of dismissal may be given where:

- a) A Principal, who has been issued with a final written warning fails to achieve or maintain the required levels of behaviour and/or conduct, or there is a further act of misconduct.
- b) The misconduct or behaviour is considered sufficiently serious, and the action needs to reflect the situation.

11.5 Dismissal

In cases where gross misconduct is alleged and is established on the balance of probabilities, the Principal will be liable to summary dismissal and have no entitlement to notice or pay in lieu of notice.

Employees will not normally be dismissed for a first offence except in cases of gross misconduct or where the behaviour is of such a nature that the college is unable to tolerate their continued employment.

12. Retaining a Record

Where there is an allegation or disciplinary action is taken involving a vulnerable adult or child being put at risk or abused, the disciplinary investigation and related information will be retained in line with legislation.

If on appeal, or any other reconsideration, any disciplinary action is effectively withdrawn, then all written reference to that action will be expunged from the Principal's personnel file and they will be notified accordingly.

13. Appeals

Where the Principal feels the disciplinary action taken against them is wrong or unjust, they have the right to appeal. They must submit an appeal in writing within 10 working days of receipt of the decision. The appeal should be submitted to the Chair of FRAIC. The Principal should also make clear the basis of their appeal, i.e.

- they have not committed the alleged act or acts of misconduct (if so, new evidence should be submitted); and/or
- the disciplinary sanction decided upon is too harsh.

An appeal will not normally be by way of re-hearing unless the Principal has additional material to introduce which was not available at the time of the disciplinary hearing. Normally, the appeal hearing will reconsider the original decision.

If the decision that the Principal is appealing is a decision to dismiss them, the appeal hearing may take place after their dismissal has taken effect.

Appeal hearings will be arranged as soon as possible and normally within 4 working weeks of receipt of the appeal, but this may depend on the availability of persons holding the appeal or on other factors. Reasonable notice of the date of an appeal will be given.

The College will remind the Principal of their right to be accompanied at the appeal hearing.

13.1 Appeal Panel

Appeals will be heard by the Chair of the Board of Management. Panels will comprise of one other person from the non-executive members of the Board of Management. Any person previously involved in the case will be excluded from membership of the panel. The Secretary to the Board, Depute Secretary to the Board or an external resource may attend as note taker and external advisors may be invited at the discretion of the Chair of the Board of Management. All supporting papers will be issued to Panel members prior to the date of the Appeal Hearing

13.1 Appeal Procedure

At any appeal hearing the Principal will be given the opportunity to submit a case for reduction or withdrawal of the disciplinary action taken. If the Principal is appealing the decision they should submit further / new evidence for the panel's consideration.

Where the Principal wishes to call or obtain statements from witnesses other than those obtained as part of the original investigation / hearing (internal or external to the College), this must be discussed with the Chair of the Board of Management prior to any contact being made. The names of the witnesses and copies of all statements must also be provided to the Chair of the appeal hearing no later than 3 working days in advance of the appeal hearing.

All contact with witnesses and external people/organisations must be carried out on a professional basis and maintain the confidentiality of the process for both the Principal and the College.

It is the responsibility of the Principal and/or their representative to make any necessary arrangements in respect of taking statements and arranging for their witnesses to attend the hearing if required.

The decision of an appeal panel may be given immediately after the conclusion of the appeal hearing or in writing, normally within 10 working days of the appeal procedure being concluded. The College will either:

- uphold the original disciplinary decision and confirm the original disciplinary sanction or dismissal (no change)
- confirm the original disciplinary decision and substitute a new sanction (decrease to sanction)
- overturn the disciplinary decision (remove the disciplinary sanction).

The decision of the Appeal Panel is final, and there is no further right of appeal.

Further information about appeals can be found [here](#).

14. External referrals

If, at the end of this procedure, a decision has been made to:

- a) Take disciplinary action resulting in the dismissal of the Principal.
- b) Take action short of dismissal involves the Principal being permanently moved from a regulated role and/or working with children or protected adults.

Or, the Principal has left the college's employment, and it was likely that they would have been dismissed. It is essential that consideration is given to the following.

14.1 Disclosure Scotland

The college has a legal duty to refer any decisions described above relating to the harmful behaviour of any employee to Disclosure Scotland even if it takes place outside of work or after the Principal has left employment. This referral must be made within three months of the decision.

Harmful behaviour is defined by Disclosure Scotland [here](#).

The matter should be referred to the Lead Signatory and HR for the college, who may make the referral to Disclosure Scotland.

14.2 Regulatory Bodies

A decision to refer decisions described at 11. must be considered to ensure the college fulfils its responsibilities to the appropriate regulatory body.

The Nominated Officer/Chair will liaise with the Depute Principal and a referral may be made to the regulatory body.

The main regulatory bodies are:

- a) **Scottish Social Services Council** [here](#).
- b) **General Teaching Council for Scotland** [here](#).
- c) **Nursing and Midwifery Council** [here](#).

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Disciplinary Code

Misconduct

The following list is neither exhaustive nor exclusive but is indicative of the types of misconduct which will normally result in disciplinary action being taken, short of dismissal in the first instance:

- Damage, unauthorised and/or misuse of college property.
- Inappropriate use of the college's IT systems.
- Minor breaches of the college's policies and procedures.
- Unauthorised use of the college's computer systems.
- Health and safety.
- Minor breaches of Health and Safety.
- Breach of confidentiality.
- Unauthorised disclosure of personal information or confidential college information, which breaches the college policies and/or data protection legislation.
- Unauthorised contact with the media.
- Minor breaches of college policies or procedures.
- Persistent poor time keeping.
- Unauthorised absence from work.
- Abusive or threatening behaviour or offensive language towards any person whilst engaged on college business.
- Refusal to follow reasonable instructions from the Chair or members of the Board of Management or carry out contractual obligations.
- Carelessness or negligence in carrying out the duties and responsibilities of the post.
- Smoking in no-smoking areas.

Gross Misconduct

This list is not exhaustive.

- Theft, Fraud and Misrepresentation.
- Theft or unauthorised possession of property or facilities belonging to the college or someone else.
- Dishonest or fraudulent acts. For example – college records, registers, timetables, reports, accounts, expenses claims or self-certification forms.
- Failing to follow the college financial management policies and/or procedures.
- Deliberate breach of confidentiality.
- Abuse of the role within the college.
- Bribery, fraud and/or corruption.
- Providing false or misleading information or non-disclosure of information, either during the recruitment process or in subsequent employment, which effects the contract of employment.
- Unauthorised/Improper Use of college property and equipment/systems.
- Deliberate and serious damage to property.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Use the college's internet or email systems for conducting a private or commercial business.
- Intentionally access or transmit information that distributes a computer virus.
- Health and Safety.
- Deliberate breach of Health and Safety.
- Gross Carelessness/Negligence.
- Equality and Fair Treatment.
- Bullying or harassment, sexual harassment and/or victimisation.
- Acts of direct or indirect discrimination on the grounds of protected characteristics or trade union membership.

- Violent, threatening, or dangerous behaviour.
- Bringing the college into disrepute.
- Being incapable of carrying out the duties of the role due to intake of alcohol or substance misuse.
- Criminal conviction/civil liability or other unacceptable conduct which renders the employee unsuitable to carry out the duties and responsibilities of the role.
- Refusal to follow reasonable management instructions from the Chair or members of the Board of Management or carry out contractual obligations.

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