Item 14
For Noting

Glasgow Kelvin College

Audit and Risk Committee - 17 May 2022

Governance Update

Report by Director of Corporate Services

1. Introduction

The purpose of this report is to provide an update to members in relation to various areas of corporate governance.

2. Data Protection Audit

Henderson Loggie conducted a Data Protection Audit in February 2022 (as reported elsewhere on the Audit and Risk agenda). We were very pleased to receive this positive report from Henderson Loggie.

A summary of key data protection activities will be reported to the Audit and Risk Committee by way of an annual Data Protection Report. This first report will be published after the end of the 2021/22 academic year.

Data Protection is a matter the College takes very seriously and the Director of Corporate Services continues to Chair the Scotland's Colleges Information Governance Group and is a member of the Data Protection Steering Group to glean any new/emerging information and to share good practice with sector colleagues.

The Director of Corporate Services and the Director of Digital Services work closely together to ensure organisational/technical data protection flow together seamlessly. An Information Security Framework document is currently being produced.

3. Business Continuity – Tabletop Exercise (TTX)

A tabletop exercise will be undertaken on 30 May 2022 to further test the College's Business Continuity Plan; any gaps identified during this text exercise will be identified, logged and closed off.

The Business Continuity Training on *"Crisis Communications and Public Relations following a Cyber Attack"* did not yield as many learning points as had been anticipated.

4. Springburn Train Station Regeneration/Access to Springburn Railway Station

As members are aware, discussions have been ongoing for some time in relation to opening up an access path between Springburn Campus grounds and the Springburn Railway Platform.

Meetings have taken place involving Network Rail, Strathclyde Passenger Transport and the Director of Corporate Services from Glasgow Kelvin College. Paul Sweeney, MSP (who has local interests and involvement) has attended these meetings and also supported this proposal. The College had pledged £25k towards the cost of the installation of this path as this would aid student/staff access into the College grounds, assist in alleviating parking pressures and encourage sustainable travel.

A meeting was held on Thursday, 28 April 2022 between the Director of Corporate Services, Head of Facilities and Environmental Sustainability and two senior staff from Network Rail to discuss the next steps to this proposal. The following points were noted:

- Network Rail confirmed that they owned the land the path would cross over onto their platform.
- The College would be required to enter into a lease agreement for the use of this Network Rail land; there was uncertainty if there would be an annual charge for the College use of this land.
- There would be legal costs for Network Rail and the College as official/legal documents would be drawn up in the form of Heads of Terms. These would include a statement that if, at any point in the future, Network Rail desired the return of the land for any purpose, they would have legal right to do so, i.e. the path would be dismantled despite any funds the College may have invested in it.
- Network Rail emphasised that they would not contribute to the funding of the pathway, nor would they contribute to the maintenance costs or associated costs of lighting required for the path. Notwithstanding, funding for the pathway (up to £10k) could be secured through a separate organisation, but this figure would have to be matched by the College.
- The College had pledged a contribution of £25k towards the costs of the creation of a pathway through College grounds directly onto the Springburn railway platform. (It became clear during discussion that this figure was likely to be insufficient in covering the total costs of any new pathway.)
- The Director of Corporate Services re-iterated that there were no further funds available and that £25k was the total amount set aside.
- The College, at its own expense, would be required to conduct full site investigations on the viability of installing a path in the area.
- Ref above, and prior to contractors entering the area (even to price up a path), the College would be obliged to apply for access permission from Network Rail.
- Based on site investigations/technical specifications provided by the College, Network Rail would consider and decide if the path could proceed.
- It was unclear what standard of path would be approved.
- At the point the path meets the Network Rail Platform there requires to be a Basic Asset Protection Agreement (BAPA) in place (to protect the assets of Network Rail). This would cost the College 2-5% of the overall cost of the project. Note that the overall cost of the project (at this stage) is unknown.
- Network Rail have qualified specialists who would take down trees, remove bushes, shrubs etc – these are specialist contractors who are qualified and skilled in relation to working next to railway lines. It was noted that there are a number of trees that would need to be felled to install the path. Network Rail would be prepared to give the College a cost for this; they would not fund this themselves.
- The College would be required to maintain the area of land it would lease from Network Rail to an acceptable standard including keeping shrubbery under control.
- The path itself would require to be wheelchair friendly and could not be a straight path from the College land onto the platform since, for example, a bike user could cycle straight through and land on the tracks. The path would therefore need a bend or some sort of obstacle/change in direction to stop the aforementioned happening.

Conclusion

The Director of Corporate Services has liaised with the Vice Principal – Operations and the Principal. It is likely that the proposal would cost in the region of £70-80k. Given that there are no additional funds available to support this proposal, and, in recognition of the tight financial arena we are working in, it has been decided that the Principal will write to MSP Paul Sweeney and Network Rail to explain that, whilst we are supportive of the proposals for a path (and its clear benefits – of which there are many), the College currently does not have the funds to proceed. Nevertheless, should funds become available, the College would be happy to participate fully and willingly in this project.

5. Standards Commission's Guidance on Revised Model Code of Conduct

The Director of Corporate Services attended a Standards Officers' Workshop held by the Standards Commission on 23 March 2022 which was held to discuss the main changes to the new Model Code of Conduct and its adoption.

Members will be aware that the Director of Corporate Services had queried whether or not members required to leave the meeting when an interest was declared and was seeking clarity in relation to an "interest" as opposed to a "connection."

The following advice was obtained:

An "interest" is a connection that requires to be declared where the objective test is met. A declaration of interest should be noted as early as possible, and the Board member asked to leave the meeting when the agenda item is being discharged.

A "connection" is any link between the matter being considered and the Board member, or a person or body that the Board member is associated with. This could be a family relationship or a social or professional contact.

A relevant paper to explain this in flow-chart format is provided in **Appendix 1.**

The above explanatory text has been put on the Board/Standing Committee agendas for member ease.

Following attendance at the Workshop, it is considered good practice for members declaring an interest to leave the meeting and re-join when the item has been concluded. This prevents any member feeling uncomfortable about stating views.

As such, it is intended that the College adopts the Model Code of Conduct in its entirety. Work is currently underway to this effect and the Secretary to the Board will provide training for new members when conducting the Induction sessions.

6. Resource Implications

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

It is disappointing that the College has to exit the project to install an access path between the Springburn Campus grounds and the Springburn Railway Station, however, we simply cannot commit to making a significant spend on a project that we don't have the funds to complete.

7. Equalities

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

8. Risk and Assurance

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

9. Data Protection

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

10. Recommendations

It is recommended that members:

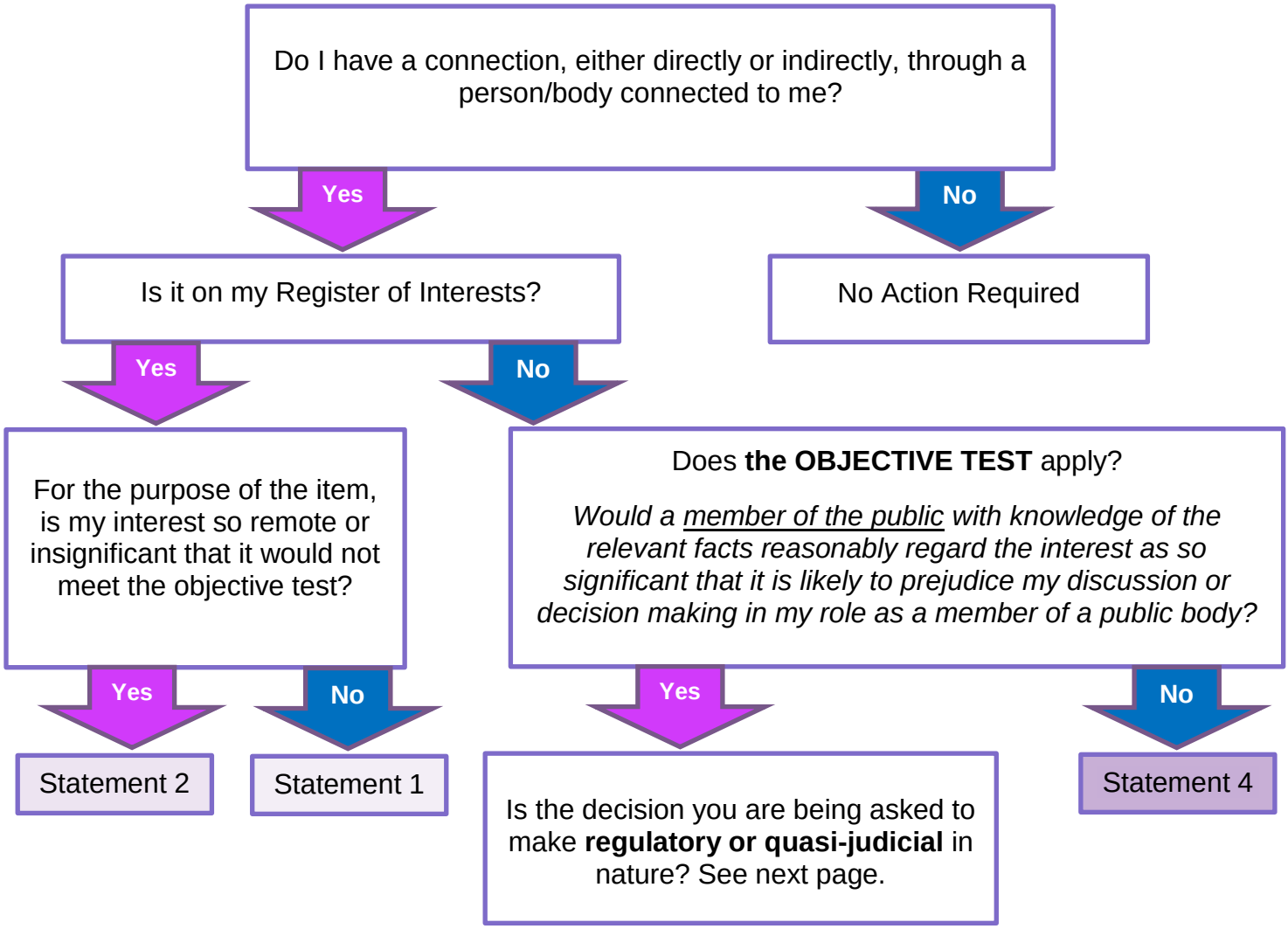
i) note the content of this report and appendix.

11. Further Information

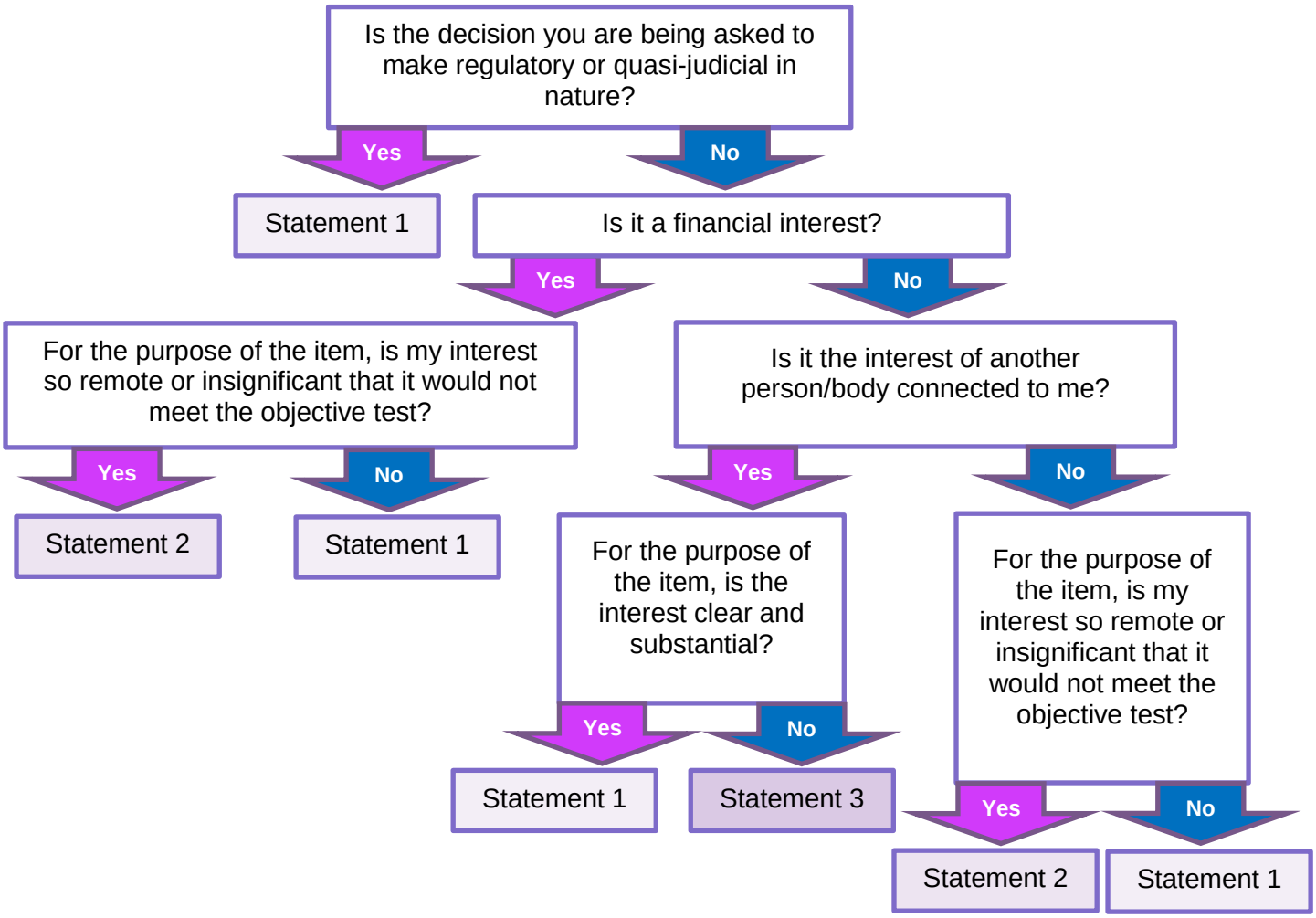
Further information can be obtained from Lisa Clark, Director of Corporate Services - lisaclark@glasgowkelvin.ac.uk

Lisa Clark
Glasgow Kelvin College
May 2022

DECLARING INTERESTS UNDER THE MODEL CODE OF CONDUCT



STATEMENTS	
Statement 1:	I declare an interest in item XX by virtue of (explain the nature of connection) and so I will leave the meeting and take no part in the discussions and / or voting on the item.
Statement 2:	I have an interest/registered interest in item XX by virtue of (explain the nature of connection) but have applied the objective test and concluded that it is so remote or insignificant that I will remain and participate.
Statement 3:	I have an interest in item XX by virtue of (explain the nature of connection) but have applied the objective test and concluded that it is not clear and substantial. Therefore, I will remain and participate.
Statement 4:	I have a connection to item XX by virtue of (explain the nature of connection). However, having applied the objective test, I have concluded that I have no interest to declare.



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DISPENSATIONS
In some very limited circumstances the Standards Commission can grant dispensations in relation to the existence of financial or non-financial interests which would otherwise prohibit you from taking part and voting on matters coming before your public body and its committees.
If a dispensation is in place, the following wording can be used:- I have an interest in item XX by virtue of my membership of XX, however, a dispensation has been granted therefore I will remain and participate.