

8 December 2017

Tracy Watt

request-428503-4d753872@whatdotheyknow.com

Dear Ms Watt

REQUEST FOR AN FOI INTERNAL REVIEW – REMOVAL OF GLASGOW CLYDE COLLEGE BOARD CORRESPONDENCE

I refer to your request for an internal review under the Freedom of Information (Scotland) Act 2001, of the College response to your Freedom of Information request on Removal of Glasgow Clyde College Board Correspondence. I apologise for the delay in replying however as previously indicated to you this was due to the unprecedented number of FOI review requests the College has recently received during what is a busy period for those involved in preparing responses.

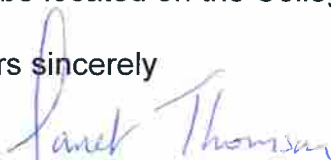
Your request is for an internal review of the handling of your FOI request “Removal of Glasgow Clyde College Board correspondence” between the dates of May and September 2015 and having now fully considered your request please find as below:

The majority of the correspondence I reviewed in relation to this is already in the public domain and I would refer you to the response to another FOI request on the www.whatdotheyknow.com website entitled “Clyde College Correspondence” and dated 24 November 2017, where there are a number of documents between the dates of May and September 2015 relating to the removal of the Glasgow Clyde College Board.

In addition to the above from my review of the correspondence there are three other letters relating to the Removal of Glasgow Clyde College Board from that period and these are attached with any related redactions.

Minutes of the College meetings for the period May to September 2015 are already available and can be located on the College Website.

Yours sincerely



Janet Thomson

Vice Principal: Resources and College Development

Jon Vincent - Principal and Chief Executive

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Scottish Funding Council

Promoting further and higher education

Our ref: 243325744

Comhairle Maoineachaidh na h-Alba

A' brosnachadh foghlaim adhartach agus àrd-ìre

8 May 2015

Mr George Chalmers
Chair of Glasgow Clyde College

Dear George

I understand that, through Brodies, you have asked that we extend the time limit for interviews with our lawyers, DLA Piper, by one week. I understand that the reason for this request for an extension is related to uncertainty about whether Brodies would be able to advise you.

In the interests of ensuring that we have balanced and comprehensive evidence to base our review, we are prepared to extend the timeline for interviews until the end of next week (15th May).

However, please let me once again confirm that the Council has never taken the position that Brodies could not provide advice to the Board and individual members on the review or any other matter. It is important that this position is understood, particularly by members on the board who may believe the position is or was otherwise.

It might be helpful for me to set out what the Council was seeking to do as regards the procurement of legal advisers:

- As a consequence of a request from the College for permission to exceed the limit for non-competitive procurement, we asked the College (on 23rd April) not to commit any further expenditure to that contract until we had time to consider our response to further information from the College.
- We then asked the College some questions on the procurement of Simpson Marwick (on 30th April). We asked that that information be with us by 8th May.
- In that letter (on 30th April) we said "...the SFC is categorically not suggesting that the College should not engage legal advisors to support its work. On the

contrary the SFC consistently recommends that fundable bodies seek expert advice and support from professionals in these types of situations.”

- This position was also verbally confirmed by DLA Piper to Brodies in a call between [REDACTED] on 1 May followed up in an email from [REDACTED]

- [REDACTED] In that letter we also said that – as we assumed Brodies were the College’s retained lawyers and that that had been properly procured – we had no objection to the College using them. When we were informed (by Brodies) later on 5th May that they had not been procured by competitive action we wrote to the College the following day (6th May) saying that we still had no objection to the College continuing to use Brodies, though we did strongly recommend that the College undertook a competitive procurement process.

It is important to the Council that we correct any misunderstanding you or your Board appear to have that we withdrew legal advice from the College or board members. I hope that this reassures you on that point.

Yours sincerely

[REDACTED]

Laurence Howells
Chief Executive

Copied to Glasgow Clyde College Board members

13 May 2015

[REDACTED]
Brodies
By email

Dear [REDACTED],

Thank you for your letter of 11 May on behalf of Glasgow Clyde College in which you asked me to confirm that the Board can proceed as planned with the changes that it has agreed to the students association.

The Board is, of course, not required to seek SFC's approval on this issue. However, since we had been involved in the earlier discussions and correspondence on this and in order to expedite progress, I am happy that we give a view. We have no objection to the changes that have been agreed.

You also asked whether I consider there has been any breach in governance in this matter. I presume that by this you mean 'does SFC think that implementing the change as agreed would be seen by us as a breach in governance'. The answer to that is 'no'.

I hope that the students association at Glasgow Clyde can now proceed with its elections and build on the success that it has been so far.

Yours sincerely



John Kemp
Director of Access, Skills and Outcome Agreements

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Scottish Funding Council
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Comhairle Maoinachaidh na h-Alba
A' brosnachadh foghlaim adhartach agus àrd-ìre

Our ref: 244119895

28 July 2015

[REDACTED]
Brodies LLP Solicitors
15 Atholl Crescent
Edinburgh
EH3 8HA

Dear [REDACTED]

Glasgow Clyde College

I am writing through Brodies to the Chair of Glasgow Clyde College, as requested by the Chair, to request a copy of the College's internal audit report on legal expenses.

This request is a follow up from the College's formal notification to the Scottish Funding Council that it had breached the delegated financial limits in the Council's Financial Memorandum with colleges, in relation to a procurement non-competitive action on legal expenses. We have been corresponding with senior management in relation to this matter.

I spoke to a member of senior management at the College a couple of weeks ago and asked for a copy of the report, but at that time it was still being finalised and it was not in a form that could be shared. I understand that the report will be presented to the Board of Glasgow Clyde College this week and is therefore now in a form that can be shared. Paragraph 7 of the Financial Memorandum states:

'In order to meet his or her responsibilities, the Chief Executive of SFC must be satisfied that the governing body of the institution meets the requirements of this FM as a condition of receiving grant funding from SFC. SFC will therefore seek financial management and other information from the institution but, as far as possible, will rely on data and information that the institution has produced to meet its own needs.'

I would now be grateful if the Chair could forward me a copy of the report in advance of this week's Board meeting.

Yours sincerely



Brian Baverstock
Deputy Director
Learning, Governance and Sustainability Group