

Nominations and Remuneration Committee Meeting

Date of Meeting	Thursday 26 October 2023
Paper Title	Update on Legal and Regulatory Developments
Agenda Item	14
Paper Number	NRC1-J
Responsible Officer	Board Secretary
Status	Disclosable
Action	For Information

1 Report Purpose

- 1.1 The purpose of this report is to provide members of the Committee with a status report on legislative and regulatory developments relevant to the Committee's membership and appointments remit.

2 Recommendations

- 2.1 The Committee is asked to note the report.

3 Report

- 3.1 **Ministerial Guidance on Appointments:** the 2014 guidance on non-executive board appointments remains in place for the time being. Revised guidance has been developed and final consultation should be imminent. Implementation is still expected during 2023-24, perhaps to align with the timing of the introduction of Trade Union Members.
- 3.2 Secondary legislation introducing **Trade Union Members** on all college sector boards, plus two additional non-executive members to GCRB board, is expected to come into effect in January 2024. A draft order was due to be laid before Parliament in September.
- 3.3 The introduction of **remuneration of Assigned College Chairs** is now expected to happen after 2024. As a first step, the SFC is due to consult regional strategic bodies on affordability during 2023.
- 3.4 Scottish Government advises that other changes, including legislative provision for all appointing bodies to suspend board members, have also been put back to post-2024. (Appointing bodies can currently remove but not suspend members.)

4 Risk and Compliance

4.1 Ensuring the Committee is informed about legislative and regulatory developments with implications for its remit contributes to mitigation of *Risk 013: A breach of legislation, guidance or code of practice results in a failure of governance.*

4.2 There are no new legal implications arising from the report.

5 Finance and Resource Implications

5.1 There are no resource implications arising from this report.

6 Equalities Implications

6.1 There are no new equalities implications arising from the report.

7 Learner Implications

7.1 There are no direct implications for learners arising from the report.