

**From:** Edinburgh College Freedom of Information

**Sent:** 20 September 2018 16:03

**To:** [REDACTED]

**Subject:** RE: FOISA Enquiry

Dear [REDACTED]

**Our Ref: 045/18**

As of 1 October 2012, Edinburgh's Telford College, Jewel & Esk College and Stevenson College merged to create a single college called Edinburgh College.

We refer to your request for information dated 30 August 2018. The College has considered your requests as requests for information under section 1 of the Freedom of Information (Scotland) Act 2002 ("FOISA"):

**045/18: 1** In light of the comments from one of the College HR Partners that "*staff could have moved to another pension fund*", please provide information to show what advice has been issued to staff advising them of their pension options should they wish to leave the LGPS and when was this issued? This information should include who issued the information, to whom, when, details of alternative pension funds offered and the advantages and disadvantages brought to the attention of staff.

None.

Please note, automatic enrolment into the Lothian Region Pension Fund has been in place since 2013 with an option for staff to opt out within three months of enrolment. Membership is not compulsory and the college has no authority to offer alternative pension schemes to staff.

Information on leaving or cancelling membership can be found on the Lothian Region Pension Fund website: [http://www.lpf.org.uk/info/152/leave/95/leaving\\_or\\_cancelling\\_membership/8](http://www.lpf.org.uk/info/152/leave/95/leaving_or_cancelling_membership/8)

**045/18: 2** Please provide information to show what information has been issued to staff to warn them that being a member of the local government pension scheme would have a detrimental effect on any voluntary severance applications and when was this issued? This information should include who issued the information, to whom, when this was issued and what the pension scheme options were.

The Voluntary Severance Scheme Terms and Conditions states the following:

“5.7.2 The decision to accept an application for voluntary severance will be based on the total cost to the college of the voluntary severance payment, and any mandatory pension benefits costs (known as ‘strain on the fund’).

6.3.2 [...] In making the decision whether to accept the application, the criteria and considerations below will be taken into account although, for the avoidance of doubt, even if the following criteria are met the college is under no obligation to accept any application, i.e. refer to section 3:

[...] (e) The total cost of releasing the employee (including any strain on funds related to Lothian Pension Fund).”

Please note, the Voluntary Severance Scheme Terms and Conditions were made available to all staff on the staff intranet.

**045/18: 3** In relation to the 2 rounds of Voluntary Severance that included a “Holding Group” could I please have a copy of the correspondence the College sent to the Scottish Funding Council highlighting the fact that the staff in the Holding group were being discriminated against due to their age and pension scheme membership and the reply received by the College. Please also supply all information which demonstrates how the college communicated concerns that if the College were forced to adhere to the scheme rules as set out by the Scottish Funding Council they would be unable to show their commitment to regularity, propriety, value for money, fairness and transparency to all staff.

Please find attached a letter sent to the SFC on 26 June 2017 in which the Principal states: “In consideration of the applications, it became clear that very few support staff with strain costs would meet the targeted 12 month payback period, and as such it was agreed at an Executive meeting that in parity with other staff who did not incur strain costs, a maximum of 18 months payback should be considered.”

The response from the SFC (17 July 2017) is also attached.

Please note, redactions have been made to the two letters to protect the identity of the individuals concerned. The redacted information is exempt under Section 38 (1) (b) of the FOI(S) Act 2002 as individuals could be identified by this information alongside other information that could be available, and this would therefore risk disclosure of individuals’ personal data.

Edinburgh College is subject to the provisions of the Freedom of Information (Scotland) Act (FOISA) 2002. If you are dissatisfied with this response, you may ask the college to review this decision. To do this, please contact the Head of Corporate Development at the postal address below or e-mail the Head of Corporate Development at [governance@edinburghcollege.ac.uk](mailto:governance@edinburghcollege.ac.uk) describing your original

request and explaining your grounds for dissatisfaction. (Please include in your review request, your name and home address for correspondence).

You have 40 working days from receipt of this letter to submit a review request to:

Head of Corporate Development

4th Floor

Edinburgh College (Milton Road Campus)

24 Milton Road East

Edinburgh

EH15 2PP

When the review process has been completed and if you are still dissatisfied, you may ask the Scottish Information Commissioner to intervene.

The Commissioner's online appeal service is available from their website:  
[www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)

The online appeal service is available 24/7 and offers you real time help and advice about your appeal.

You must appeal to the Commissioner within six months of receiving the review decision.

You also have the right to appeal to the Court of Session on a point of law following a decision of the Commissioner.

Regards

FOI Team





Scottish Funding Council  
Promoting further and higher education

Our ref: 247869249



Comhairle Maoineachaidh na h-Alba  
A' brosnachadh foghlaim adhartach agus àrd ìre

17 July 2017

Annette Bruton  
Principal & Chief Executive  
Edinburgh College  
Milton Road Campus  
24 Milton Road East  
Edinburgh EH15 2PP

Dear Annette,

#### Approval for Severance Schemes and Settlement Agreements

Thank you for your letter of 26 June 2017 to Lorna MacDonald concerning voluntary severance applications.

I note that you disagree with the Funding Council's decision to reject [REDACTED] applications ranging from 15.5 months payback to 15.8 months payback. Your letter highlighted that these posts are no longer required and their removal would save the College approximately £92,000 on a recurring basis, thereby enabling the College to move closer towards its financial target under the Business Transformation Plan (BTP). Furthermore, the Chief Operating officer has advised that following Senior Management consideration of workforce requirements going forward, the posts in question were excluded from the reshaped staffing establishment currently envisaged following consideration of phase 3 applications of the voluntary severance programme. Accepting these applications through this last tranche of the VS programme would mitigate the risk of these staff being placed at risk of redundancy.

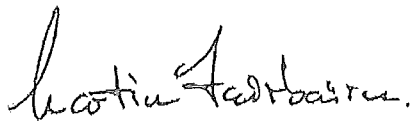
On the basis of the foregoing, and in light of the importance of achieving the BTP targets, I am willing, on this occasion, to reverse the original decision and grant consent for the payments to be made to the [REDACTED] individuals. Please note that it is SFC policy that we would expect all annual leave to be taken before departure and that payment for any annual leave will not be included in any termination payment

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97 Haymarket Terrace  
Edinburgh  
EH12 5HD  
T 0131 313 6500  
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under voluntary severance. In addition, pay in lieu of notice would also not normally be included in a termination payment.

I trust you find the above helpful but please let me know if you have any further questions.

Yours sincerely,

A handwritten signature in black ink that reads "Martin Fairbairn". The signature is written in a cursive style with a large initial 'M'.

**Martin Fairbairn**  
Chief Operating Officer

Tel: 0131 313 6524; Email: [mfairbairn@sfc.ac.uk](mailto:mfairbairn@sfc.ac.uk)



Ms Lorna MacDonald  
Director of Finance  
Scottish Funding Council  
Apex 2, 97 Haymarket Terrace  
EDINBURGH  
EH12 5HD

For the future you want

26 June 2017

Dear Lorna

### Approval for Severance Schemes and Settlement Agreements

I hope this letter finds you well and that you have a summer break on the horizon. As you are aware, following an internal review of voluntary severance applications, we submitted to SFC Governance colleagues, details of all applications including business cases where appropriate, to comply with the SFC financial memorandum and SFC guidance on seeking approval for voluntary severance schemes.

College staff undertook a rigorous process to agree which applications should be accepted based on business rationale, and of course with the financial savings target of £2.4m firmly in mind. In consideration of the applications, it became clear that very few support staff with strain costs would meet the targeted 12 month payback period, and as such it was agreed at an Executive meeting that in parity with other staff who did not incur strain costs, a maximum of 18 months payback should be considered.

Following the review by SFC colleagues, 6 applications supported by business cases were rejected, and although we agreed with █ of these decisions, we disagree with the decision on the other █ applications ranging from 15.5 months payback to 15.8 months payback, which would save the college £92k on a recurring basis. These applications were internally approved based on sound business rationale. It seems to us that the opportunity to take a recurring sum of £92k out of the college budget is worth the additional strain and allows us to remove posts that we no longer need.

I would therefore appreciate if you could reconsider the position on the flexibility of applications which incur strain costs, and in so doing will enable these █ applications to be accepted. This saving will go some way towards meeting a very challenging financial target.

Your sincerely

*Annette Bruton*

**ANNETTE BRUTON**  
Principal and Chief Executive



cc. Mr Michael Cross, Interim Director, Scottish Funding Council

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350 West Granton Road  
Edinburgh  
EH5 3QE

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24 Milton Road East  
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