

THE MODERN APPRENTICESHIP GROUP

1. Adoption of the Constitution

(1) The Modern Apprenticeship Group derives its authority to undertake the matters referred to herein from Scottish Ministers. Its business shall be administered, governed and managed in accordance with the provisions of this document, which was adopted as the constitution by the Members (as defined below), on May 2008.

2. The Name

(1) The association's name is the "Modern Apprenticeship Group". It shall be referred to throughout this constitution as "MAG".

3. The Members

(1) As at the date of adoption of this constitution, the members of MAG are:

- Skills Development Scotland;
- The Scottish Government;
- Scotland's Colleges
- SQA Accreditation
- The Scottish Training Federation;
- The Scottish Trades Union Congress; and
- SSC Qualifications Group

(2) These organisations, plus any other organisations which become members of MAG in accordance with the provisions of this constitution, are referred to as a "Member" and collectively as "Members". Any organisation which ceases to be a Member in accordance with the provisions of this constitution, shall no longer be a Member and no longer entitled to represent or hold itself out as a being a Member.

(3) Further provisions regarding the Members are set out in paragraphs 7 and 8 below.

4. The Remit of MAG

(1) The remit of MAG is to approve and re-approve Modern Apprenticeship Frameworks (“Frameworks”) for Scotland. In doing so, the Members shall aim to:

- deliver high quality, fit for purpose Frameworks by objectively carrying out the review, approval and re-approval process;
- ensure Frameworks are robust and provide confidence to both the learning community and employers regardless of public sector funding;
- ensure that stakeholders have confidence in MAG’s adherence to the values set out in paragraph 5(1).

(2) To fulfil this remit, MAG shall carry out a number of specific functions. These functions are contained in the Annex, which forms part of this constitution.

(3) The Members also recognise that:

- MAG shall seek (whenever possible) to influence and deliver improvements to the Modern Apprenticeship Programme so that Modern Apprenticeships Frameworks (and supporting Scottish Government and stakeholder policies) continue to be fit for purpose; and
- there is a distinction between acting as Members and the responsibilities which Members have outside MAG and in their relationships with individual Sector Skills Councils and Sector Skills Organisation. Members will accept ‘cabinet responsibility’ for all decisions collectively taken.

(4) To effectively share information and intelligence in writing with both the Scottish Government and Skills Development Scotland for consideration in terms of policy development and delivery of apprenticeships in Scotland as appropriate.

5. Values

(1) The organisational values of MAG are:

- shared goals and a shared interest in the common good for employers and Modern Apprentices;
- fairness, openness and transparency;
- independence;
- honesty and integrity;
- impartiality and objectivity;
- accountability; and
- responsiveness and flexibility.

6. Application of Income and Property

- (1) Any income and/or property of MAG shall be applied solely towards the promotion of the matters set out in paragraph 4 above.
- (2) No Member may be paid or receive any other similar benefit from being a Member.

7. Membership

- (1) Membership is only open to organisations not individuals.
- (2) Members shall be represented at meetings of MAG, however, by a single individual representative from their organisations, as decided by the respective Member. Each Member shall be entitled to change their representative at any time, provided that reasonable prior notice of such change is provided to the Secretary.
- (3) Member organisations can put forward substitutes to cover attendance at meetings on an ad hoc basis. The Secretariat should be advised of substitutes as soon as possible.
- (4) For the avoidance of doubt, neither membership nor the rights of any particular Member are transferable.
- (5) Membership shall come to an end in the circumstances outlined in paragraph 8 below.

8. Termination of Membership

- (1) Membership is automatically terminated in the following circumstances:
 - If the Member ceases to exist;
 - If the Member resigns by written notice;
 - If the Member is not represented at meetings of MAG for a period of three consecutive months the chair of MAG will write to the member organisation to clarify who is the most appropriate representative from their organisation to ensure that the member organisation has the opportunity to consider how best to be represented;
 - If a member organisation is not represented at MAG Meeting continuously over a period of six months the MAG chair will notify Scottish Ministers and seek formal advice from the Scottish Government.
 - If the Member is removed from membership by a unanimous resolution of the remaining Members that it is in the best interests of MAG that an organisation's membership is terminated. A resolution to remove a Member from membership may only be passed if:
 - the Member has been given at least twenty-one days' notice in writing of the meeting of MAG at which the resolution shall be proposed and the reasons why it is to be proposed; and
 - the Member's representative has been allowed to make representations to that meeting.

(2) Membership shall terminate from either the date of such cessation, resignation or resolution as the case may be. If there is any doubt as to such date, the decision of the Chair shall be final and binding in this regard.

9. Observers

(1) At any time a maximum of 3 representatives from Member organisations (in total) may be invited to attend meetings of MAG as observers. Observers shall be entitled to receive the papers for such meetings at the same time as Members, or as soon as possible thereafter if this is not reasonably practicable.

(2) In addition, there are a number of standing observers who provide MAG with specialist advice and information.

(3) Observers invited to attend meetings of MAG shall have regard to the organisational values of MAG (as listed under paragraph 5) as if they were Members.

(4) Although an observer shall be entitled to attend and contribute to any meetings of MAG, he or she shall not be entitled to vote on any matter put by the Chair to a vote of the Members.

(5) The basis upon which observers are invited to join the meetings of MAG shall be made on such terms and conditions as the Members see fit, including (without limitation to the generality of the foregoing) frequency of attendance, duration and cessation as an observer. For the avoidance of doubt, an observer may be excluded from any meeting of MAG, or any part of a meeting, if MAG considers it appropriate.

10. Secretary

(1) MAG shall have a Secretary, appointed and removed by Scottish Government for such term and upon such conditions as the Scottish Government decide.

11. Chair

(1) Meetings of MAG shall be chaired by the Scottish Government

12. Meetings of MAG

(1) The Members may meet together for the transaction of business, adjourn, and otherwise regulate their meetings as they think fit, subject to the provisions of this constitution.

(2) Meetings of MAG shall be called by the Secretary and chaired as outlined in paragraph 11 above. If the Chair is unable to preside or is not present within fifteen minutes after the time appointed for the meeting, the Members may appoint one of their number to Chair that meeting.

(3) The quorum for the transaction of business shall be 4 Members. No decision made by a meeting of MAG shall be a valid decision unless a quorum is present at the time the decision is purported to be made. Decisions taken will not, however, be validated until agreed by MAG. This could take the form of electronic agreement, facilitated by the Secretariat.

(4) Matters arising at a meeting which require a decision must be decided by a majority of votes of the Members present.

(5) Each Member shall have one vote. In the case of an equality of votes, the Chair shall have a casting vote.

(6) A resolution in writing signed by all the Members entitled to receive notice of a meeting of MAG and to vote upon the resolution shall be as valid and effectual as if it had been passed at a meeting of MAG duly convened and held. The resolution in writing may comprise several documents containing the text of the resolution in like form each signed by one or more Members.

For the purpose of this paragraph 12(6) the phrase “in writing signed by all the Members” means that each Member has indicated in writing that it either supports the written resolution or it does not support the resolution or it instead has chosen to provide a ‘nil’ response to the resolution. The written resolution shall be carried if a majority of Members have indicated in writing that they support the resolution.

(7) In the case of an equality of votes submitted under this written procedure, the Chair shall have a casting vote. The Chair shall cast his/her vote in the same way and at the same time as the Members, and not after the Members have recorded their votes in writing.

(8) Members of MAG will have the authority to convene sub-groups as required to support the work of the group.

13. Minutes

(1) Minute of all appointments and meetings shall be taken by the Secretary and kept secure as an official record. Minutes will be published on Skills Development Scotland’s website.

(2) The Minutes shall include details of the Members present, the decisions made at the meetings and, where appropriate, the reasons for the decisions.

14. Rules and Regulations

(1) The Members may from time to time adopt, amend or repeal rules or regulations for the conduct of the business of MAG or the procedures to be followed at meetings of MAG (so far as such procedure is not regulated by this constitution).

(2) The rules or regulations shall be binding on all Members (in their capacity as Members).

(3) No rule or regulation shall be inconsistent with, or shall affect or repeal anything contained in, this constitution.

15. Amendments

(1) Any provision contained in this constitution may be amended provided that any resolution to seeking to do so is passed by not less than three quarters of the Members present and voting at a meeting of MAG provided that not less than twenty-eight day's notice of the meeting at which the proposed resolution is to be discussed has been given to Members which notice shall give details of the proposed resolution.

16. Notices

(1) Any notice required by this constitution to be given to or by any person must be in writing or given using electronic communications.

(2) Notice may be given to a member either personally, by sending it by post in a prepaid envelope addressed to the member at its business address, by leaving it at the business address of the Member or by giving it using electronic communications to the address of the Member's individual representative. Where the identity of any Member's individual representative is known to the Secretary, the notice should be addressed to the Member and clearly marked for the attention of such individual representative and, in the case of electronic communication, sent to the email address or other electronic address or fax number of such individual representative.

(3) A Member present in person at any meeting of MAG shall be deemed to have received notice of the meeting and of the purposes for which it was called.

(4) Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given.

(5) Proof that a notice contained in an electronic communication was properly addressed and sent shall be conclusive evidence that the notice was given.

(6) A notice shall be deemed to be given 48 hours after the envelope containing it was posted or, in the case of an electronic communication, 48 hours after it was sent.

17. Termination of MAG

(1) MAG shall only be terminated at the discretion of Scottish Ministers. Should Scottish Ministers decide that termination of MAG is appropriate, they shall give MAG 28 days notice of termination.