

Agenda Item	7
Report No	WRSL/04/24

HIGHLAND COUNCIL

Committee: Wester Ross, Strathpeffer and Lochalsh

Date: 29th January 2024

Report Title: Duncraig Trust Scheme 1999 Review

Report By: Derek Martin, Area Education & Learning Manager

1. Purpose/Executive Summary

1.1 The Duncraig Trust Scheme was last reviewed in 1999. At the committee meeting of 4th September 2016, members agreed to delegate authority to an officer to manage the scheme. On the 4th September 2023, members agreed that the scheme should be reviewed and a proposals paper should come back to the committee.

2. Recommendations

2.1 Members are asked to consider and approve:

2.2 The introduction of a new third category of awards to local training clubs and organisations

2.3 The criteria for individual applications for sports; further and higher education; and local training clubs/organisations

2.4 The scope of award levels

2.5.1 Either maintaining the current, officer led, decision making with reports to the committee or

2.5.2 Committee decision making of grant allocations following review of applications.

3. Implications

3.1 Resources

Award levels continue to be subject to available income.

3.2 Legal implications

There are no known legal implications or changes to the scheme itself under the terms of the trust or section 112 of The Education (Scotland) Act 1980.

3.3 Community (Equality, Poverty and Rural) implications

By expanding the current categories and recipients of awards, there is a wider opportunity for more young people to benefit from the trust.

3.4 Climate Change implications

None

3.5 Risk

There are the usual risks of trust income being affected by interest rates, as the funds are held in a deposit account. Currently, interest rates remain high in comparison to the previous ten years.

3.6 Gaelic

There is an opportunity to more actively encourage applications from individuals, clubs or organisations with an interest in the Gaelic language.

4. Background

4.1 The Duncraig Trust Scheme was last reviewed in 1999. The scheme documents are appended.

4.2 The work of the trust scheme was undertaken by Duncraig Trust Scheme Sub Committee of Education, Children and Adult Services Committee. Its last meeting was in 2016, where it was decided that the scheme would be delegated to a council officer and report given to Ross & Cromarty Committee.

4.3 Following the restructuring of committees, it is sensible that the Wester Ross, Strathpeffer and Lochalsh Committee receive reports, given the historical links to the area.

4.4 The Highland Council, through its committees, have wide ranging authority to administer the trust funds considering the merits of individuals and their financial circumstances. Awards may be made annually and can be extended for up to 4 years on an annual basis.

4.5 The amount of awards, subject to investment income, is discretionary. The scheme of delegation gives local committees the responsibility for decision making for amounts of £10,000 and over. The trust has not given a grant for this amount and generally makes awards in the region of £200-£300 in recent years.

4.6 The current arrangement of an officer having delegated responsibility for administering the scheme and reporting to a committee has now been in place since 2016. Members may wish to decide whether this continues, or if they wish to resume decision making powers for grant awards, following a report to their committee.

4.7 The trust scheme allows for awards to children and young people who live in Highland, or have Highland descent, to pursue further/higher education or access training organisations to realise their full potential. Grant payments are currently made to individuals.

4.8 Under the terms of the scheme, however, payments can be made to the following for the benefit of children and young people:

- Individuals
- Education or training providers and organisations
- The Highland Council itself

4.9 Grants are currently for elite and talented athletes, and for specialist courses in arts, language, heritage, science and the environment. It can include fees, travel, and specialist equipment.

4.10 In order use the flexibility of the trust scheme to allow greater access to funding, it is proposed that the scope is increased to 3 categories within the areas indicated above:

- Sports (14-25 year old individuals)
- Further and higher education (16-25 year old individuals)
- Local training clubs and organisations (for the main benefit of those aged 14-25)

4.11 It is proposed that, for individual applications in sport, the following criteria continues:

- have been selected by a competitive and recognised process to receive specialist sports coaching or training and, or participate in programmes of sporting events at national or international level
- Are following a structured programme and have been recognised by the relevant governing body for their sport as having genuine potential for representation at national or international level

For further and higher education, the following criteria currently applies:

- 4.12
- Funding is targeted specifically to help young people with an exceptional or unique talent achieve their potential through specialist post-school training. This means that funding is not available for most college and university courses or for courses that are part of the school curriculum.
 - Competition is intense and priority is given to young people who have been selected to attend specialist elite institutions which primarily deliver vocational and practical training in arts, language, heritage, science and the environment rather than institutions that offer mainstream academic studies. For example, funding may be available for courses provided by specialist elite music or drama institutions but would not normally be available to study these subjects at university.
 - All specialist courses must be accredited and places awarded by a competitive and recognised selection process. This will include audition where appropriate.

- The trust is designed to help exceptionally talented young people and it is very unlikely that an award would be made for a specialist course below HND or equivalent level.

4.13 It is proposed that this changes to:

- Funding is targeted specifically to help young people with exceptional merit, attainment and promise to achieve their potential through specialist post-school training. Funding may have regard to the financial and other circumstances of the applicant.
- Priority is given to young people who have been selected to attend specialist institutions which primarily deliver vocational and practical training or mainstream academic studies which have a focus on one or more of the council's five priorities:
 - A Fair and Caring Highland.
 - Resilient and Sustainable Communities.
 - Accessible and Sustainable Highland Homes.
 - A Sustainable Highland Environment and Global Centre for Renewable Energy.
 - A Resilient and Sustainable Council.
- Grant applications which encourage the use of Gaelic language and Highland culture are also welcomed.

4.14 Should the new category for local training clubs and organisations meet with member approval, the following addition is proposed to the application notes:

- Applications may be made by Highland based clubs and organisations for sports, education or training. Applications from national governing bodies, further or higher education institutions are outwith the scope of such awards, although individuals may apply for funding.
- Awards will not be made to both an individual and club/organisation.

4.15 It is also proposed that:

- Individual awards are generally between £250 and £1000
- Awards to clubs/organisations are generally between £250 and £1000
- Exceptionally, awards to clubs may exceed £1000 subject to consideration of numbers of young people benefitting, available funds and number of applications

Designation: Area Education & Learning Manager

Date: 29/1/24

Author: Derek Martin

Background Papers: Duncraig Trust Scheme 1999

**SCHEME MADE PURSUANT TO
THE EDUCATION (SCOTLAND) ACT 1980 AS AMENDED
FOR THE REORGANISATION OF THE DUNCRAIG CASTLE
COLLEGE EDUCATIONAL ENDOWMENT**

Pursuant to the requirements of Section 112 of the Education (Scotland) Act 1980 The Highland Council as Education Authority for the Highland Area have prepared the following scheme for the reorganisation of the Education Endowment created by Dame Margaret Elizabeth Brown or Hamilton of Balmacara by Disposition in favour of the County Council of the County of Ross and Cromarty dated 14th March and recorded in the General Register of Sasines applicable to the said County on 26th September, 1946 and now comprising the Trust property described in Part II of the Scheme:-

PART I

CITATION AND INTERPRETATION

Citation

1. This Scheme may be cited as the Duncraig Educational Trust Scheme 1999, and shall come into operation on 19th July, 1999.

Interpretation

2. (i) In this Scheme, unless the context otherwise requires,

"approved plan" means the plan which has been approved by the Council in terms of Section 15 of this Scheme and is for the time being in force;

"Council" means The Highland Council acting as Education Authority and as such the governing body of the Trust;

"Education Committee" means the Education Committee of the Council, and

"Trust" means the Duncraig Educational Trust.

(ii) The Interpretation Act 1978 shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

(iii) Reference in this Scheme to a Section, Schedule or Part shall, except where the context otherwise requires, be construed as references to a Section of, Schedule to or Part of this Scheme as the case may be.

PART II

Trust Property

Trust Property

3. (i) The property of the Trust shall comprise -
 - (a) so much of the lands described in the First Schedule hereto and the buildings and other fixtures therein and thereon and the parts, privileges and pertinents thereof as are vested in the Council or to which the Council have right as statutory successors to the County Council of the County of Ross and Cromarty;
 - (b) the balances of capital and income standing in the Council's accounts and known as the Duncraig Trust Fund representing the proceeds of sale of parts of the lands described in the First Schedule, and
 - (c) such other property, heritable and moveable, corporeal and incorporeal, into which the foregoing may be converted and held from time to time.
- (ii) The Trust property shall be held, administered and applied by the Council exclusively in accordance with the provisions of this Scheme.

PART III

Administrative Arrangements

Continuance of Council as Governing Body

4. For the purpose of carrying this Scheme into effect the Council shall continue to be the governing body of the Trust.

Business Arrangements

5. The business of the Trust shall stand referred to the Education Committee and the Council before exercising any power conferred upon them by this Scheme shall, unless in their opinion the matter is urgent, receive and consider the report of the Education Committee with respect to the matter in question, provided always that it shall be in the power of the Council to delegate any or all of their said powers to the Education Committee. The said business may be transacted either at ordinary meetings of the Council or of the Education Committee or at meetings summoned for the purpose which shall be convened and conducted according to the ordinary rules and practice of the Council or of the Education Committee.

Rules and Standing Orders

6. It shall be in the power of the Council to make such rules and Standing Orders as they think fit for the exercise of their functions under this Scheme, provided that the said rules and Standing Orders shall not be inconsistent with the provisions of this Scheme.

Conditions of Award of Scholarships, Etc

7. (i) When awarding scholarships, grants or other assistance to young people under this Scheme, the Council
- (a) may take into account by such means as they think fit, the attainment, merit and promise of each candidate to whom they make an award, and
 - (b) may have regard to the financial and other circumstances of each candidate and to the expenses likely to be incurred by the candidate and may take account of any other bursaries or grants awarded to the candidate.
- (ii) Each scholarship or grant shall be tenable for one year and it shall be in the power of the Council to extend the period of tenure from year to year provided that they are satisfied with the progress being made by the holder of the award.

Withdrawal of Awards

8. The Council may require the recipient of any scholarship, grant or other assistance under this Scheme to satisfy them that satisfactory progress is being made in the course of study. If in the opinion of the Council any such recipient shall be guilty of serious misconduct or shall fail to make reasonable progress, the Council may withdraw the scholarship, grant or assistance or suspend the recipient from the benefits thereof, and their decision in any such case shall be final.

PART IV

Financial Arrangements

Powers of Investment and Administration

9. (i) The Council shall have all relevant powers as conferred on Trustees by the Trusts (Scotland) Acts 1921 and 1961 and in regard to the investment of the funds constituted or continued by this Scheme, or of additional endowments received in terms of Section 10, the Council shall have all powers competent to them under the Law of Scotland and, in particular, the power to dispose of all or part of the property described in the First Schedule hereto by sale, feu, lease, excambion, or otherwise.
- (ii) The Council shall have power to apply the whole or part of the capital or income of the Trust to the purchase or lease of heritable property for the purposes referred to in Section 13.

Additional Donations

10. It shall be in the power of the Council to receive donations, legacies, annuities, subscriptions and other gifts (hereinafter referred to as "additional donations") for the purposes of this Scheme, or for purposes connected therewith. Such additional donations shall be applied in accordance with the directions of the respective testators or donors. In the absence of any specific direction relating thereto the Council shall add any additional donation to the capital or income of the Trust or in such proportions as they think fit to both the said capital and income.

Redemption of Periodical Payments

11. Where annual or other periodical payment is made to the Council under any deed of mortification or other instrument or under this Scheme, it shall be lawful for the Council to enter into an agreement with the debtor in the obligation for the redemption of the said payment, provided that the sum to be paid to the Council shall be sufficient when invested under the powers contained in Section 9 of this Scheme to yield an income equivalent to the said payment.

Variation of Preferences, Etc.

12. If at any time the ratio between the income of the endowment and any sums set forth in a plan approved under this Scheme shall be materially altered by an increase or decrease in the said income, it shall be in the power of the Council to restore the said ratio by making an increase or decrease in the said sums.

PART V

PURPOSES OF THE TRUST

Use of Heritable Property

13. Heritable property forming part of the Trust property may be used by the Council, or may be permitted by the Council to be used by others, for education or training to enable young people from the Highlands and Islands or of Highland descent to equip themselves better for advancement in life or otherwise to realise their full potential in their chosen fields of endeavour, or may be sold, leased or otherwise turned to account for the purposes of the Trust.

Application of Income

14. (i) The Council after paying the expenses of this Scheme and the necessary expenses of management and the burdens and taxes affecting the Trust shall in each financial year apply as nearly as possible the whole of the free income of the Trust, including any balance carried forward from the previous financial year and sub-section (ii) of this section, in conformity with the plans to be approved from time to time in accordance with Section 15 of this Scheme, provided that no expenditure shall be incurred under an approved plan in relief of expenditure which would in the absence of the endowment ordinarily be incurred from any

other fund.

- (ii) If at the end of any financial year there is an unexpended balance of income it shall be in the power of the Council to carry the said balance or part thereof forward to the following financial year or to add the said balance or part thereof to the capital of the Trust.

Submission and Approval of Plans

- 15. (i) The Education Committee shall within six months from the date of commencement of this Scheme prepare and submit for the approval of the Council a plan for the exercise of their powers under Section 16. The Education Committee may at any time, and shall if and when so required by the Council, prepare and submit for the Council's approval a revised plan or an amendment of the existing plan. Plans shall be in the form prescribed in the Second Schedule hereto.
- (ii) The Council may approve with or without amendment the plan, revised plan or amendment submitted to them under this Section and thenceforth it shall be the duty of the Council to carry the same into effect as so approved.

Awards under the Scheme

- 16. (i) The Council may award scholarships or grants of such annual value as they think fit to young people from the Highlands and Islands or of Highland descent who propose to follow a course of study at a College of Further Education, other institution or training centre.
- (ii) The Council may award such other scholarships, grants or assistance to young people from the Highlands and Islands or of Highland descent as the Council may from time to time deem appropriate to enable such young people to equip themselves better for advancement in life or otherwise to realise their full potential in their chosen fields of endeavour.
- (iii) The Council may make payments to persons or bodies providing education or training, or the Council may themselves make provision when to do so will, in the opinion of the Council, benefit such young people in the manner aforesaid

PART VI**MISCELLANEOUS PROVISIONS****Copies of Scheme**

17. The Council shall maintain a supply of printed copies of this Scheme and shall cause a copy to be kept available for inspection by any member or officer of the Council and of the Education Committee and copies shall be sold at a reasonable price to all persons applying for them.

Sealed with the Common Seal of The Highland Council pursuant to resolution of the Council dated the Twenty Fifth day of February and signed for them and on their behalf by Malcolm Alexander Mead McRae, Proper Officer at Inverness on the Seventh day of June both in the year Nineteen Hundred and Ninety Nine.

Council Buildings
Glenurquhart Road
INVERNESS



Proper Officer

FIRST SCHEDULE

- (1) ALL and WHOLE those parts of the lands and Estate of Duncraig in the County of Ross and Cromarty described in, disposed by and delineated and coloured pink on the plans annexed and signed as relative to the Disposition by Dame Margaret Elizabeth Brown or Hamilton, of Balmacara, in favour of the County Council of the County of Ross and Cromarty dated Fourteenth March and recorded in the General Register of Sasines applicable to the County of Ross and Cromarty on Twenty-sixth September both Nineteen hundred and Forty-six.
- (2) ALL and WHOLE the lands and Estate of Duncraig and the crofting township of Craig in the Parish of Lochalsh and County of Ross and Cromarty conveyed by the Disposition by Sir Kenneth Matheson in favour of Mrs Lilian Stephen or Fletcher dated Twenty-third and Twenty-fifth and recorded in the said Division of the General Register of Sasines on Twenty-eighth December Nineteen hundred and Sixteen, under the exceptions mentioned in the Disposition by the Chartered Bank of India, Australia and China and James Hamilton as Trustees of the late Lady Margaret Elizabeth Hamilton of Balmacara in favour of the County Council of the County of Ross and Cromarty dated Twenty-eight February and Fifth March and recorded in the said Division of the General Register of Sasines on Seventeenth March all Nineteen hundred and Forty-seven.

This is the First Schedule referred to in the foregoing Scheme for the reorganisation of the Duncraig Castle College Educational Endowment.



..... Proper Officer

SECOND SCHEDULE

A

Plan of Scholarships and Grants (Section 16(i))Scholarships and Grants Allocated to Former Pupils ofHighland Council Secondary Schools

<u>Number of Scholarships/Grants</u>	<u>Amount</u>	<u>Persons to recommend Award</u>
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Scholarships and Grants Allocated to Former Pupils from Schools outwith Highland Council Area

<u>Number of Scholarships/Grants</u>	<u>Amount</u>	<u>Persons to recommend Award</u>
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B Plan of other Scholarships, Grants or Assistance to Individuals (Section 16 (ii))

<u>Number</u>	<u>Amount</u>	<u>Purpose</u>
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Criteria to be considered by Persons Recommending Award of Scholarships, Grants or Assistance

School attended:

Maximum age at commencement of course:

Place of Residence:

Type of College, other institution or training centre to be attended:

Type of course:

Other Criteria

C Plan of Payments to Providers of Education or Training (Section 16(iii))

<u>Number</u>	<u>Amount</u>	<u>Purpose</u>
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This and the preceding page comprise the Second Schedule referred to in the foregoing Scheme for the re-organisation of the Duncraig Castle College Educational Endowment.



.....Proper Officer