

Duncraig

# Educational Trust Scheme 2024

HIGHLAND COUNCIL CHARITABLE TRUSTS

Scottish Charity Number SC025079

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# Preamble

Pursuant to The Charities and Trustee Investment Act 2005, Section 43, where educational endowments (that are also charities) now come under the provisions of the act, superseding previous legislation, The Highland Council as the local education authority 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 Ross and Cromarty dated 14<sup>th</sup> March 1946 and updated as Duncraig Educational Trust Scheme 1999.

This scheme is updated to reflect changing legislation and expectations of governance. It reflects the requirements of the Public Sector Equality Duty under Section 149 of the Equality Act 2010, the Fairer Scotland Duty (2018) under the Equality Act and The Islands (Scotland) Act 2018. In addition, the scheme, through impact assessments, considered the needs of mainland rural communities, data protection and requirements under Human Rights, United Nations Convention on the Rights of the Child (UNCRC) and climate change.

Having considered the above requirements, this new scheme has modernised the language of the previous scheme, reflects a more multi-cultural and diverse Highland community, whilst seeking to ensure that children and young people continue to benefit from the original intentions of the bequests within a modern context.

This scheme is incorporated into The Highland Council Charitable Trusts registered with The Office of The Scottish Charity Regulator, SC025079. It shall continue to be governed by this and any subsequent updated trust scheme, which is approved by the elected members of The Highland Council, in their capacity as trustees.

This trust scheme covers the geographical area of The Highland Council.

In the financial year 2024-2025, the capital sum invested by the trustees is in the region of £790,000. The revenue income is in the region of £35,000.

## 1. Administrative Arrangements

### Business Arrangements

1. The Highland Council shall continue to be the governing body of the trust. It delegates its powers, in relation to the trust, to the appropriate committee.
2. The local committee, under The Scheme of Delegation and Administration to Committees and Sub-Committees and to Officers (2023), has the authority to:
  - a. allocate and monitor expenditure from any agreed and delegated localised funds (2.9)
3. The day to day business of the trust may be undertaken by an officer of The Highland Council, who shall provide an annual report to the appropriate committee of The Highland Council.



4. As trustees, it shall be in the power of The Highland Council to make such rules and standing orders as they think fit under this scheme, provided that the said rules and standing orders shall not be inconsistent with the provisions of the scheme.

## 2. Conditions of Awards

1. When awarding scholarships, grants or other assistance under the scheme, The Highland Council:
  - a. may take into account by such means as they think fit, the attainment, merit and promise of each candidate making an application,
  - 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 and
  - c. may take into account by such means as they think fit, the merit and standing of any club, institution or organisation making an application.
2. 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.

## 3. Powers of Investment and Administration

1. The Highland Council shall have all the relevant powers competent under the laws of Scotland to financially manage the fund and any property or assets of the trust. This includes financial investments, purchase, lease, sale or inheritance of property.

## 4. Additional Donations

1. The Highland Council may receive donations, legacies, annuities, subscriptions, and other gifts for this scheme. These shall be used according to the donors' instructions. If no instructions are given, The Highland Council will allocate the donations to the trust's capital, income, or both as they see fit.

## 5. Redemption of Periodical Payments

1. Where annual or other periodical payment is made to The Highland Council under any deed of mortification or other instrument under this scheme, the council may agree with a debtor a suitable single payment, as long as the sum, when invested, generates equivalent annual income.

## 6. Variation of Preferences

1. If the amount between the trust's income and the sums in the approved plan changes significantly, The Highland Council may adjust the sums in the plan to reflect the available balance of free income.



## 7. Property

1. Heritable or other property forming part of the trust may be used by The Highland Council, or may be permitted 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 reach their full potential in their chosen fields of endeavour, or may be sold, leased or otherwise turned into account for the purposes of the trust.

## 8. Application of Income

1. The Highland Council after paying the expenses of the scheme and the necessary expenses of management, burdens and taxes affecting the trust shall in each financial year:
  - a. Apply as nearly as possible the whole of the free income of the trust, including any balance carried forward from the previous financial year, in conformity with the plans to be approved from time to time in accordance with Section 9 of the 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.
  - b. Where a listed category in the approved plan receives no application, up to the maximum sum for that category may be transferred in that financial year to another category or categories with multiple applications.
2. If at the end of any financial year, there is an unexpended balance of income, The Highland Council may carry forward the balance to the following financial year or to add the balance (full or part) to the capital of the trust.

## 9. The Purposes of The Trust

### Scholarships and Grants


1. The Highland Council may award scholarships or grants of such annual value as they think fit to young people, and local training clubs and organisations for the main benefit of those aged 14-25.
2. Scholarships and grants are available to:
  - a. pupils and former pupils of Highland Council secondary schools or
  - b. young people who are children or grandchildren of Highland descent
3. Scholarships or grants to young people may assist them to:
  - a. follow a course of study at a college, university or other institution or training centre.
  - b. equip themselves better for advancement in life or otherwise to reach their full potential in their chosen fields of endeavour.
4. Grants to persons or bodies providing education or training (including The Highland Council itself) will in the opinion of the council benefit young people in the same manner of Section 9(2) above.



### Eligible Specialist Courses and Activities

5. Funding for courses is targeted specifically to help young people with exceptional merit, attainment and promise to achieve their potential through specialist post-school training.
6. Funding may consider the financial and other circumstances of the applicant.
7. 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 (or other such priorities as may be decided by the full council from time to time):
  - I. A Fair and Caring Highland
  - II. Resilient and Sustainable Communities
  - III. Accessible and Sustainable Highland Homes
  - IV. A Sustainable Highland Environment and Global Centre for Renewable Energy
  - V. A Resilient and Sustainable Council
8. In addition to Section 9(3) above, priority will also be given to:
  - a. the promotion of Gaelic language
  - b. the promotion of Highland culture
9. Funding for sports is targeted specifically for elite and talented young athletes who:
  - a. 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 or
  - b. 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
10. Applications may be made by Highland based clubs and organisations for sports, education or training in relation to Section 9(4-8). Applications from national governing bodies, and further or higher education institutions are not in the scope of such awards, although individuals may apply for funding.
11. Awards will not be made to both an individual and a club or organisation for the same funding.

### Utilisation of Funds

12. Individual awards may be used for:
    - a. Tuition or course fees, where not available from other sources such as Student Award Agency for Scotland
    - b. Living expenses whilst studying away from home
    - c. Travel costs to a place of study
    - d. Defraying the costs of specialists sports coaching, attending training or travel for competition
  13. Clubs and organisation awards may be used for:
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- e. Travel costs for national or international participation as a team or group
- f. Costs of specialist equipment for sports, education or training which remain the property of the club/organisation

## 10. Miscellaneous Provisions

### Availability of the Scheme

1. The Highland Council shall ensure the scheme is published on its website and is available to the public.



# First Schedule

## The Approved Plan

### Part 1: Scholarships Allocated to Pupils and Former Pupils of Highland Council Secondary Schools

<b>Number of Scholarships</b>	<b>Maximum Amount to be Expended in Each Year</b>	<b>Remarks</b>

### Part 2: Scholarships to Young People of Highland Descent

<b>Number of Scholarships</b>	<b>Maximum Amount to be Expended in Each Year</b>	<b>Remarks</b>

### Part 3: Grants Allocated to Highland Clubs and Organisations

<b>Number of Grants</b>	<b>Maximum Amount to be Expended in Each Year</b>	<b>Remarks</b>

All the above subject to sufficient income. Where available income is less than the total amount, it shall be split equitably within the available funds. Where there are no applications to a particular category the up to the maximum sum may be applied to another category or categories.

