Response to Follow-up Questions from the Education and Culture Committee on 22 January 2013

1. Written evidence from the University of Stirling on section 15 stated “We understand that this provision is not intended to apply to universities.” Written evidence from Universities Scotland was slightly different, as it stated “From discussion with Scottish Government we understand that this section is not intended to create new duties on higher education institutions, since existing data collection and sharing is assumed to be adequate.” It would be very helpful if you could clarify whether or not this section is intended to apply to universities, as this will help to inform the Committee’s future questioning of witnesses (the Committee has arranged a dedicated evidence session with SDS).

ANSWER: The provision at section 15 will apply to universities but within the subordinate legislation we plan to introduce statutory guidance that will set out how universities will meet their data sharing requirements through currently utilised data sharing protocols with Student Awards Agency Scotland (SAAS). This means that although the new duty will apply to universities they are not required to carry out any new or additional work to satisfy the duty within the Bill.

2. At the Committee’s meeting on 15 January, Tracey Slaven stated in relation to section 2: “The phraseology in the bill refers to governance and management. Discussion with the sector has indicated that the focus on strategic management may have some unintended consequences and that that has gone slightly wider than we anticipated. We are therefore happy to talk with the sector about the detail of that as we get to stage 2.” On Tuesday’s meeting, Sir Timothy O’Shea confirmed that he had met Tracey Slaven and understood that the Scottish Government was reconsidering its position. Again, it would assist the Committee’s ongoing scrutiny if you were able to provide further clarity on the Scottish Government’s position at this stage.

ANSWER: The purpose of the provision on governance is to achieve the correct balance of ‘responsible autonomy’ around good governance, based on the recommendation of Professor Von Prondzynski’s review. We have already had discussions with sector representatives about the precise wording of these provisions to ensure that they meet our shared aims here and will consider suggestions made at Stage 2.