Submission from Andrew Niven

Dear Sir / Madam
I write to you over my serious concerns regarding proposals set out by the Scottish Government for a Higher Education Governance Bill.

The Scottish Parliament agreed, in passing the Post-16 Education (Scotland) Act in 2013 that the HE sector should be responsible for ensuring its own high standards of governance, regulated at arm’s length by the Scottish Funding Council (SFC). I agree with the Royal Society of Edinburgh’s assertion that it not clear why Government is now proposing additional legislation that directly intervenes in the governance arrangements of HEIs.

In particular the forthcoming legislation stands to substantially change the appointment of the Chair of the University Court, a role filled by The Rector in the four ancient universities. In these four universities, The Rector is democratically elected by students and given the right to chair the Court, and is trusted by those students to ensure their voices are heard at the highest levels of university governance.

As I understand it under the new legislation, their process for election would be replaced by an undefined panel which would pre-screen, interview, and shortlist candidates before even a single student vote could be cast. Where exactly might this lead? Will the Scottish Government in future insist that political parties or individuals who wish to stand for any public office first be vetted by some Government appointed and approved panel, the electorate disenfranchised from its basic rights?

It sounds far-fetched but this seems to be what is proposed here. The Rector is the voice of the students, not the Government.

There are a number of other proposals within the Bill that also subtly hint at creeping political influence (e.g. the proposal of legislating to put union representatives on governing bodies) endangering both the crucial autonomy of HEIs and possibly jeopardising their independent charitable status.

As the Scottish Government has not produced any evidence of poor governance of Scotland’s HEIs, I don’t see any requirement for additional legislation or the considerable expense and resources that this will entail.

Yours sincerely,

Andrew.B.Niven.