Submission from Mr Brian Mcbride  
Higher Education Governance (Scotland) Bill  

My name is Brian McBride, I am a graduate of the University of Glasgow, MA Hons in 1977. I was born and raised in Glasgow but now live in Camberley, Surrey. My career has been spent working for global technology giants Xerox and IBM, and as the UK or European head of Dell, T-Mobile and Amazon. I am currently Chairman of ASOS.com, the UK’s most famous global online fashion business, I chair Wiggle.com, an online cycling business, and am the Senior Independent Director on AO.com. I am also Senior Adviser to Scottish Equity Partners.

I have been a lay member of the Court of the University of Glasgow, since 2012.

1 What do you consider to be the existing problems (if any) with higher education governance, particularly around modernity, inclusion and accountability?

When I read this question, and the proposed bill, I asked myself a question I always ask my companies when contemplating change. What is the problem we are trying to fix here? And it’s not clear to me what problem the Bill is trying to address, nor is this made clear in the Policy Memorandum about the Bill.

In my time on The Court of the University of Glasgow we have reviewed our governance, our composition and our procedures, and ensured we are aware of good practice inside and outside the sector, as well as following the Scottish Code of Good HE Governance. We also hold a 5-yearly externally-facilitated review of the governing body's effectiveness.

I have sat on a number of PLC Boards, Advisory Boards and the BBC, and have to say that the University Court is the most inclusive body I have been part of.

I don’t think anyone seriously doubts the large level of accountability the University of Glasgow and its counterparts face, to the governing body/Court, to its students and its wider community, and to Government via Outcome and other Agreements.

In summary, I do not know why the Government feels it has to legislate in this area.

2 The extent to which the Bill

a will improve higher education, particularly in the areas above

b may alter the higher education sector's current level of autonomy

c may affect lines of autonomy between the Scottish Government, relevant public bodies and the higher education sector.

It’s by no means clear to me that the proposals within the HE Governance Bill will improve University governance. Universities do enjoy a high degree of independence from Government not just in Scotland but the rest of the United Kingdom and through much of the free world. In the Consultation Paper on the HE Governance Bill the Government stated clearly that it understands the
importance of University autonomy and said that it did not intend to increase Ministerial control. However, the Bill clearly contradicts this by proposing a significant increase in Ministerial powers over the universities.

I find the proposals, in Sections 8 and 13, to give a Government Minister power to determine the future composition of a university's governing body and of its academic board, quite concerning, and feel it would weaken the independence of the universities. I enjoy my role on the Court because of the independence we have, and I would have no interest in making up the numbers in what would then feel like a political body.

Similarly, the universities' status as independent charities could be threatened by such an increase in Ministerial powers. Lost charitable status would have difficult financial consequences, resulting in increased taxation and a reduction in philanthropic income. I am a donor to Glasgow University and would certainly revisit my contributions if it was not a charity.

3 Has the correct balance been struck between legislative and non-legislative measures? Are any further measures needed?

No comments.

4 The Bill proposes a number of specific changes to higher education governance:

- To require higher education institutions to appoint a chair of their governing body in accordance with a process set out in regulations made by the Scottish Ministers
- To require HEIs to include various persons within the membership of their governing bodies
- To require HEIs to ensure that their academic boards are comprised of no more than 120 people, and include various persons

Please provide your views on the merit of each of these proposals.

1. At Glasgow, the governing body is currently recruiting its next Chair. In doing so, we follow the transparent, inclusive and robust process required by the Governance Code. The job description was approved by the full governing body. The position has been advertised widely, and the University has stated that it would like to invite candidates from a diverse range of backgrounds. The selection process will involve an interview panel which will include a member of academic staff and a student. It will make its recommendation to the full Court, a diverse body which includes staff, students, alumni and independent members. The process so far feels very much at best practice.

2. It is important that the final decision on the appointment of the Chair is made by the governing body. This is so that the appointee will have authority with the
governing body, and also so that, should the Chair fail to address the duties of the role effectively, the governing body will be in a position to terminate the appointment.

3. The suggestion that a Minister should impose his/her wishes regarding the composition of a governing body is inappropriate, and also fails to allow for the diversity of practice that should exist among the universities.

4. I do not agree with the idea of including representatives of trade unions on a governing body. Governing bodies currently include staff representatives, who have influence because they are chosen by the staff of the institution and are there to represent their interests. Trade union representatives would be chosen by unions to represent the interests of their trade union. That would be counter to good governance. It is important that all governing body members exercise their judgment in the interests of the University and not of another organisation.

**Academic Freedom**

Please provide your views on the following:

5. The likely practical effect of these provisions, for example, whether there are any areas of teaching, learning or research that will be particularly enhanced.

6. Are there likely to be any significant constraints - other than legal constraints - on academic freedom? For example, the particular ethos within an institution; funding pressures; institutions' policies on equality and diversity, etc.

7. Are the situations in which relevant persons can exercise their academic freedom clear? For example, should academic freedom be limited to their work within an institution, as opposed to views they may express outwith the institution.

I have no comments to add in this section.