Dear Madam or Sir,

I am writing to express my views concerning the Higher Education Governance (Scotland) Bill. I write as a Senior Lecturer and a former Senate Assessor on the Court of the University of St Andrews.

The stated aims of the Bill - transparency, accountability and inclusivity - are unexceptionable. However, I find many of the specific proposals deeply concerning. The commitment in the consultation to respect the autonomy and diversity of institutions has been replaced in the Bill with an essentially 'one size fits all' approach which is completely inappropriate and potentially damaging for such a diverse sector. Thus far, there has been no compelling explanation of the problem that the legislation is trying to solve. Given that the HE Code of Governance has only recently been introduced, and that there is a commitment to review it in 2016, it is wholly premature to bring forward legislation at this juncture. Next year's review will provide an evidential basis for deciding what, if any, governance problems warrant a legislative solution. Taking forward the proposed legislation at this time, prior to such evidence becoming available, is misguided, flawed and unnecessary.

The Bill risks undermining Universities’ autonomy by giving future Governments significant potential influence and control without the safeguard of parliamentary scrutiny. In turn, this not only represents a threat to Universities’ ability to ensure academic freedom and to act as sources of independent thinking, but could also damage Universities’ academic standing and jeopardise the very substantial benefit that they currently deliver to the national economy.

Furthermore, the Bill has serious financial implications. I am concerned that the Government has significantly underestimated the costs of compliance, in particular in relation to proposals for remuneration of chairs and the amount of work to implement the legislative change through reviewing, consulting, amending and implementing University ordinances. There would also be significant opportunity costs to the Scottish economy.

In essence, therefore, I fear that the Bill will have a wide range of unintended but very damaging consequences, including:
- compromising the strong academic reputation of the Scottish HEI sector
- undermining the ability of Scottish universities, operating in a global market, to attract the best students, the best academic staff and funding.

These outcomes will clearly be detrimental for Scottish universities, for the economy and for the country as a whole. I therefore urge you to postpone any legislation until after next year's review of the Code of Governance, and then to revise it thoroughly in the light of the evidence which will then be available. Only legislation which is evidence-based and clearly justified will command the support and confidence of the sector.

Yours faithfully,

Charles Warren