Higher Education Governance (Scotland) Bill - Call for Evidence

Submission from David Stutchfield

As an elected non-teaching staff member of the Court of the University of St Andrews, I have the following personal comments about the proposed bill:

1. What do you consider to be the existing problems (if any) with higher education governance, particularly around modernity, inclusion and accountability?
Since the introduction of the Scottish Code of Higher Education Governance, and the changes by each University to meet the code, I see no issues with modernity, inclusion or accountability. I do not understand what problem the bill seeks to address, I do not think the bill is necessary, and feel that some parts threaten the independence and even non-profit and charitable status of Universities.

2. The extent to which the Bill
(a) will improve higher education governance, particularly in the areas above
I think the bill will reduce accountability, and reduce inclusion. As an example, I have been elected by non-teaching staff to serve on Court in an open election of all eligible staff. If this bill is passed in its current form I would probably be removed from Court and replaced by an appointed trade union representative (Given the overall size of Court and need for a majority of non-executives). This reduces the accountability within Court. Forcing Universities to have a strict composition of their governing bodies is not good governance.

(b) may alter the higher education sector’s current level of autonomy
The bill will greatly reduce the level of autonomy of the University Court, especially sections 1, 8, 13 and 14, which potentially allow far more political influence over Universities without full parliamentary scrutiny.

(c) may affect lines of accountability between the Scottish Government, relevant public bodies and the higher education sector
The power of Scottish Ministers to change the governance structure by regulation would be extremely disappointing, and could threaten our classification as a non-profit organisation, and charitable status.

The Bill is part of a wider package of recent reforms to higher education governance, including the development of a Scottish Code of Good Higher Education Governance.

3. Has the correct balance been struck between legislative and non-legislative measures? Are any further measures needed?
No, Government should only currently monitor the governance performance of Universities under the Scottish Code of Higher Education Governance and not legislate. The Code can be reviewed over time with the agreement of all Universities.

Specific proposals
The Bill proposes a number of specific changes to higher education governance:
To require higher education institutions to appoint the chair of their governing body in accordance with a process set out in regulations made by the Scottish Ministers
The recruitment and appointment of the Chair is already clearly laid out in the Scottish Code of Higher Education Governance, and is open and transparent. I do not understand how Scottish Ministers determining who was eligible to be appointed as chair makes this better governance. Our Rector would become purely ceremonial, when at the moment they are an important student champion elected by all students.

To require HEIs to include various persons within the membership of their governing bodies.
Our Court includes representatives from all the constituent communities (and at the moment includes a trade union representative because he was elected to represent academic staff in an open process). As stated before, the likelihood of this bill is that my elected non-teaching staff assessor position would go to make way for an appointed trade union representative.
Student representation would also half on Court (from 4 to 2). Section 8 gives Ministers worrying powers (without parliamentary scrutiny) to make changes to the make-up of Court, and increases political influence on Universities.

To require HEIs to ensure that their academic boards are comprised of no more than 120 people, and include various persons
Our Academic Council of 45 has devolved functions from our larger Senate, and this system works well, providing good governance and academic freedom. We would have to effectively start again and completely re-form our Senate.
Section 13 gives Ministers worrying powers (without parliamentary scrutiny) of political influence over our academic freedom.

Yours sincerely

David Stutchfield