This submission is primarily addressed to question 2 of the Committee’s consultation. I hope that its brevity is appropriate, in the spirit of the consultation request. I write in a personal capacity, and would be willing to meet the Committee if this would be helpful to it.

1) The rational for the Bill is to improve modernity, inclusion and accountability in the HE Sector, on the grounds that the Scottish Code of Good Higher Education Governance is not a prescriptive set of rules. According to the Bill’s Policy Memorandum “This indicates that the Code will be insufficient in securing the level of consistency across the sector that is sought by the provisions in the Bill”.

2) The HE sector in Scotland is acknowledged to be strong, both in its scale and quality. Furthermore, the excellent diversity of HE institutions in Scotland is absolutely essential to meet the diversity of expectations of students, their future employers and society in general.

3) The sector faces major challenges, including continuing to increase diversity of student and academic bodies, the recruitment of staff of the highest quality, and international competition in research. All of these are vital for the well-being of the sector and its value to Scotland as a whole. It is a great strength of the sector that they are met in different ways and to different extents by the individual institutions which make up the sector.

4) It is completely unclear how the proposed legislation will help institutions to maintain and build on their individual strengths and reputations to meet these challenges.

5) Indeed, there are high risks that the Bill will have adverse effects on the sector, and threaten its overall value to the economy and society in Scotland. For example, its imposition of uniformity in Governance will not encourage the diversity of institution that Scotland needs. Also, HEIs with the highest international renown have a diverse range of funders, most outwith Scotland; one funder simply imposing its views on Governance may well be counter-productive with other funders. Adherence to the principles of good Governance is a condition of grant from the Scottish Funding Council, and this requirement could be strengthened by the SFC if it is deemed to be currently inadequate.

6) Most importantly, the Bill is a direct threat to the autonomy of institutions. This is not just a matter of principle: it will impact on the international competitiveness of institutions. Quality staff in Universities are highly mobile; indeed in recent years this mobility has been essential for the success of the HE sector in the UK, which has avoided the shortages of academics in e.g. STEM subjects through attracting significant international recruitment. The Scottish Government will be more sensitive than any to the inspirational motivation which autonomy and independence can bring, and the situation is the same in HEIs. Overall, leaders in HE, academic and non-academic alike, will not be attracted to a system where the Government can, in particular through the enabling nature of the Bill, control the composition of the Governing Body and the Academic Senate or equivalent of their HEI. The Bill will make Scottish Universities less attractive places for leading academics than e.g. institutions in England, to the detriment of the sector and its value to Scotland.

I hope that the Education and Culture Committee will exercise its responsibility in considering this Bill, and that the above will help it to do so.

David Wallace, 2 September 2015