To Members of the Education & Culture Committee
Response to the Call for Evidence on the Higher Education (Scotland) Bill

I write in a personal capacity, since Heriot-Watt University is separately submitting a longer and more detailed set of evidence. I write as someone who chose enthusiastically to work (in a voluntary and unpaid capacity) for a Scottish university out of love for the country and admiration for the long and distinguished history of academic freedom that Scottish universities have enjoyed. I would have thought more cautiously about my choice had the provisions of the Bill been in force, for the following reasons:

1. Several provisions of the current Bill differ considerably from the propositions in the earlier consultation draft. I note that the bulk of responses to the previous draft were negative. I have read nothing to explain what flaws in current arrangements the Bill hopes to address.

2. I am particularly dismayed by the provisions in the Bill which will allow the Government to curb the independence of universities by taking powers to issue regulations rather than through measures that would allow Parliamentary scrutiny. No argument is offered for depriving Parliament of a proper opportunity to scrutinise this sensitive process.

3. The proposal for a far-reaching extension of Government power over Scottish universities is, I am reliably informed, already having a discouraging impact on recruitment of academics. Scottish universities will have to compete for expertise and ability with universities south of the boarder and in the United States, Canada and Australia, where government regulation is less intrusive than that which the Bill allows.

4. One of the strengths of Scottish universities has been the Code of Good Higher Educational Governance, which has introduced substantial changes in areas such as gender balance and the appointment of chairs of Court. I have seen no persuasive argument by the Government for legislating in areas where the Code sets out standards.

5. The Court on which I serve is already impressively diverse in terms of gender (although not, as yet, in terms of ethnicity). The measures proposed for the selection of Court members and chairs are likely to reduce that diversity. There is a substantial body of academic work that suggests that women are more averse to seeking a position through election than men are.¹

Two important points are not covered in the Committee’s request for evidence, but are of particular importance.

First, the market for academic talent and especially top administrative skills in the world of universities is now international. The best academics and principals are wooed in a global market. If Scotland is to retain its edge as a country with an unusually impressive group of universities for its size, it must avoid any policies which will make it hard to recruit such people.

Second, the most striking deficiency in Scottish higher education is the relatively low proportion of young people from poor families who go to university, especially when compared with other parts of the UK. The Bill does nothing to address this issue, and instead will waste scarce legislative time on making changes for which no case is made.

Yours sincerely,

Frances Cairncross