Higher Education Governance (Scotland) Bill

Feedback to the Scottish Parliament’s Education and Culture Committee
Submitted by Margaret Gibson Chief Executive of Women’s Enterprise Scotland and
Member of the Court of the University of West of Scotland

As Court member I am aware of the 2013 Scottish Code of Higher Education Governance which I believe is delivering the stated aims of the Bill “to establish a required minimum level of inclusivity, transparency and consistency across all HEIs”.

Certainly my own recruitment, on-going training and consultation as a Court member has been a very positive and professional experience and I believe highly effective in allowing the University to be well governed.

Some observations

Recruitment of the Chair within UWS appears to be a fair and open process with rigour and transparency throughout. To try to standardise the process may actually cause some difficulties and take away the autonomy and personal experience that is required to get the best possible candidate. The diversity of any Board – age, gender, ethnicity etc. and their collective experience is critical to business success, and this is no different within a University Court. This panoply of experience matched by academic rigour I think ensures a fair recruitment process that I believe is ‘owned’ by each University. This allows the appointment of the Chair to fit the culture, strategy and community of the individual institution.

At a time when Universities are rightly being encouraged to actively become more entrepreneurial and engage with the wider business community, increasing Government control, possibly limiting the ability to be flexible and respond to the needs of business, would be detrimental.

Response to the Committee’s specific questions below:

The Education and Culture Committee’s Questions

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

   During my own recruitment I found the process very open and fair. There appeared to be a real understanding of the needs for good governance and the critical nature of building a Court that reflects a modern Scotland. I would therefore state that I believe that the current Code is fit for purpose.

2. The extent to which the Bill
(a) will improve higher education governance, particularly in the areas above

I have a professional and personal interest in gender equality and diversity as a whole. I will continue to support and encourage other women and those from minority groups to seek roles within organisations at senior levels. From experience of other sectors (I also serve on the advisory committee of the Institute of Directors in Scotland) I believe that Scottish Universities are actually performing well on gender balanced Courts and all are striving to improve diversity in general.

I do have some concerns that proposed remuneration for the role of Chair would attract people who are perhaps seeking that role for the wrong reason. I see this role as one in which the individual is ‘giving back’ to the community and sharing their experience and knowledge to help others. I do not believe this should be a commercial transaction. I understand completely the paid role of the Non-Executive Director however I do not think that fits the ethos of what a place of learning should be. As with the introduction of any new system or process, it often takes time to ‘bed in’ and I would suggest that the new Code of Governance should be allowed to do this and then be reviewed as planned next year.

I believe an effective Chair should be a ‘critical friend’ to the Board/Court. This takes time to establish a relationship of this sort and the robust recruitment process is so important and must involve a degree of autonomy by those involved to use skills and judgement in selecting the appropriate person.

(b) may alter the higher education sector’s current level of autonomy

I believe we have to be very careful if we are trying to encourage and support more interaction with business and external stakeholders, particularly if it is perceived that universities may be seen to have a political in-put. This could detract or have a negative impact in a range of ways - from alumni becoming involved, businesses working with the university, attracting students from other countries, sourcing research funding etc.

Universities should be looking at where their specialisms are, market and celebrate their uniqueness.

(c) may affect lines of accountability between the Scottish Government, relevant public bodies and the higher education sector

I have a great deal of experience of the third sector and the importance of charitable status for raising and retaining vital funds for longer term projects – particularly capital projects which can often be a challenge to source funding for. I think this charitable status is one of the key areas that needs protected in order to continue to build on Scotland’s heritage in this sector. It is imperative to ensure that our universities can continue to compete on a world stage and develop campuses for the future. I am concerned that further legislation in this area will put unnecessary checks and balances
on universities when what we have in place appears to be working. In addition if this was the case then it could lead to Scottish HEIs losing their charitable status making them much less competitive or attractive than other UK HEIs.

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

The existing Code of Governance appears to me to be very thorough and is currently being adhered to by the institutions. Feedback on improvements and updates can be presented as they arise, through various channels. It is important that we do not stifle any future innovative thoughts or ideas by placing too big a legislative burden and therefore prevent new and improved ways of doing things from being implemented. There is so much talk of entrepreneurial activity for improving the economy of Scotland however we cannot forget that we need institutions to demonstrate, nurture and encourage intrapreneurial thinking too. Being overly prescriptive around legislative and non-legislative measures may stunt that.

Margaret Gibson 2nd September 2015