Finance Committee
Higher Education (Governance) Scotland Bill
Submission from the University of the Highlands and Islands

Response

The University of the Highlands and Islands (UHI) welcomes the opportunity to respond to the call for evidence raised by the Finance Committee of the Scottish Parliament in relation to the Higher Education Governance Bill.

Our responses to the questions raised by the Committee are as follows:

1. **Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?**

   UHI made a submission to the Government as part of the consultation exercise preceding the Bill. We did not comment on the financial assumptions as no comment was invited in the questions posed.

2. **If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?**

   N/A.

3. **Did you have sufficient time to contribute to the consultation exercise?**

   Yes.

4. **If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not please provide details.**

   UHI currently remunerates the Chair of Court and the Chair of its Further Education Regional Board. The Bill underestimates the time spent by a Chair of Court on university business. We currently pay the Chair for the equivalent of 1.5 days per week (reduced from 2 days in 2014/15 whilst new arrangements were being embedded). UHI is a complex organisation and the Chair has a much wider responsibility both internally and externally than simply chairing Court meetings, not least engaging with our 13 academic partners who are widely dispersed across our region.

5. **Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?**

   UHI changed its constitution significantly in 2013/14 in preparation for its additional responsibilities as a regional strategic body. On the basis of this experience, the Bill significantly underestimates both the cost and the time required to make these
changes. In addition to the University Court, the Scottish Government and the Privy Council, UHI has a wide range of both internal and external stakeholders who would require to be consulted and in several cases give approval to any constitutional changes. The proposed changes will lead to avoidable, unnecessary expense together with the significant opportunity cost of considerable senior staff time.

6. **If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?**

As a new university with very limited reserves, we are anxious not to take on additional costs unless absolutely necessary. If the Bill is enacted, we would meet any additional costs by reducing spend on other activities.

7. **Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?**

We do not believe that the FM accurately reflects the margins of uncertainty as both the time and cost of implementing the proposals have been significantly underestimated as detailed above.

8. **Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?**

UHI is concerned about the potential for legal challenge by academic staff who are refused funding for research projects because of limited resources being prioritised on an institutional basis if academic freedom is enshrined in legislation as proposed. This again, could be extremely costly in both time and resources.

9. **Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?**

The Bill proposes that Scottish Ministers are given broad powers by regulation to change provisions. This makes future costs impossible to quantify and gives UHI real cause for concern that future changes will not be subjected to appropriate parliamentary scrutiny.

In summary, UHI believes that the Scottish HE Governance Code which was put in place two years ago has not been given enough time to bed in and has not yet been evaluated in terms of effectiveness. The Code has clearly had an impact; for example, gender balance on university courts has improved since its introduction. Legislation in this area is, at best, premature until an external evaluation of the code has taken place.
UHI is very uncomfortable with the powers proposed for Ministers to make changes by regulation as we believe all changes to legislation in this area should be subject to full parliamentary scrutiny.