

EIS Response to the Consultation on the development of a new Scottish Code of Good HE Governance

The EIS is reluctantly providing evidence to the Committee as part of its consideration of the Post-16 Education Bill. The EIS has members at all Scottish HEIs and is the sole union recognised for collective bargaining on behalf of Scotland's HE academic staff at five Scottish HEIs. The EIS is one of five campus unions recognised at New JNCHES which deals with UK collective bargaining on pay and pay related matters.

The EIS supports the recommendations set out in the Von Prondzynski Review into HE Governance as an essential step in improving governance in Scotland's HEIs. The EIS reaffirms its evidence to the Von Prondzynski Review and therefore re-submits this evidence for the attention of the current review.

The following are EIS responses to questions set out in the 'Consultation on the development of a new Scottish Code of Good HE Governance - Issues Paper (November 2012)' and should be read together with the EIS responses made to the Von Prondzynski Review, to form a single response to this consultation.

Question:

Is the present Act failing to achieve its objective of ensuring academic freedom? If so, would the Irish wording be preferable to the present Scottish wording?

The EIS believes that the Irish wording would be preferable as it would seem to be better placed to ensure academic freedom.

Question:

Is there a case for requiring each institution to adopt a policy on academic freedom similar to that of Trinity College Dublin and to present it to the Scottish Funding Council?

Yes there is a case for this proposal.

Question:

Is enough being done in all cases to encourage openness and transparency, or should further measures, including public meetings, be considered?

Not enough is being done in any HEI to encourage or enable transparency or openness in the way it is being governed, led or managed. Measures should be developed and adopted to enable these aims. Public meetings would be a welcome first step.

The EIS supports the recommendations set out in the Von Prondzynski Report as an essential step in improving governance in Scotland's HEIs. The EIS reaffirms its evidence to the Von Prondzynski review and therefore submits this evidence for the attention of the current review. The EIS evidence makes

further recommendations to enable transparency, openness, effective governance and leadership.

Question:

Should students and staff be involved in the appraisal of the Principal? If so, how?

Yes, staff should be involved in the appraisal of the Principal. The EIS is yet to be convinced of the merits of student involvement.

Question:

Should remuneration committee membership be widened to include staff and students?

The (HEI) remuneration committee should be widened to include staff.

Questions:

Do the present arrangements in your university for setting the pay of Principals and Senior Officers and reporting the outcome meet the recommendations of the existing UK Code?

The existing UK code states for Scotland; Governing bodies should ensure that the necessary formal arrangements are in place to oversee the remuneration and other related matters (such as early retirement) of senior university officers. The SFC requires institutions to adhere to specific requirements in relation to severance arrangements for senior staff.

The EIS believes the existing UK code is too loose and is inadequate for the setting of pay for Principals and other senior staff.

Should the CUC guidance on this matter be changed in the new Scottish Code? Should the salaries of senior officers be published annually by SFC, as already happens in respect of Principals?

A Scottish Code of Practice should be wider and more robust. The salaries of all staff above the JNCHES salary spine should be published annually by the HEI – and shared with the SFC.

Questions:

Do you think your current arrangements for appointing the chair of the governing body are effective in being sufficiently rigorous and transparent?

No.

Taking account of your institution's governing instruments are there ways you wish to propose to enhance the extent to which the chair might be seen to command the confidence of both the governing body itself and other stakeholders, for example, by advertising publicly any vacancy, and involving staff and students in the processes that lead to the selection of a new chair?

The EIS believes that Chairs of governing instruments should be elected by the staff and students. Such elected positions need to be advertised publically. The EIS believes that candidates for such positions should participate in meetings with staff and students to articulate their vision and values – and to answer questions.

The EIS supports the recommendations set out in the Von Prondzynski Report as an essential step in improving governance in Scotland's HEIs. The EIS reaffirms its evidence to the Von Prondzynski review and therefore submits this evidence for the attention of the current review. The EIS evidence makes further recommendations regarding the role of the chair.

Questions:

Does the absence of remuneration for chairs of governing bodies restrict the range of candidates willing to take on the role?

Yes.

If so, are there any mechanisms which could be used to address the issue whilst ensuring compliance with other legal demands upon the institution?

Questions:

Are current mechanisms effective in ensuring that the governing body is well informed of the views of staff across the institution?

No, the current mechanisms do not effectively ensure that governing bodies are well informed of staff views.

The EIS believes that this fundamental weakness may be addressed by:

1. Having Trade Union representatives as ex-officio members of governing bodies. All HEIs (except UHI and RCS) have agreed Recognition Agreements with one or more trade unions in which the HEI agrees that specified trade unions represent the staff, consult and negotiate on their behalf. Trade Union representatives on the Governing Body to represent staff is the logical next step.

2. Having a greater number of staff representatives on the governing bodies – all of whom should be directly elected.

3. Restricting the number of senior staff as members of the governing body or who attend as observers or in an ex-officio capacity.

The EIS evidence to the Von Prondzynski Review, which is also submitted to this review, makes further recommendations regarding staff views and participation with the governing body.

Having noted that the composition of the governing body will be prescribed by the governing instruments are there effective mechanisms to ensure that the work of the governing body is transparent to all staff?

There are mechanisms and some were proposed in both the Von Prondzynski Report and in both EIS submissions to the Von Prondzynski Review Group.

Is the present size of your governing body appropriate?

Would there be any implications for the effective size of your governing body arising from the Report's recommendations?

The EIS supports the recommendations within the Von Prondzynski Report and does not believe that any increase in governing body size would be detrimental to their effectiveness – on the contrary, the EIS believes the additional members recommended by Von Prondzynski would improve the effectiveness of Governing Bodies.

Question:

Would it be appropriate to require that up to two of your governing body members be alumni?

Yes.

Questions:

Should the Scottish Code set a quota for the proportion of female members of the governing body?

No

Are there mechanisms, other than imposing quotas, by which good practice in regard to equality and diversity can be achieved?

The EIS believes that there are such mechanisms, and made some proposals in the evidence submitted to the Von Prondzynski Review which is also submitted to this review.

Questions:

What provisions do you currently have for paying expenses?

Have you experienced any difficulties arising in connection with wages lost as a result of engagement in governing body activity?

Would the compensation of lost wages be the best way to address any issues arising?

A related issue is the length to which HEIs support existing staff members of Governing Bodies to carry out their duties by releasing sufficient remission time. The EIS would welcome the insertion of a clause ensuring reasonable time off with pay for staff members of the HEI governing body.

Questions:

Does the presence of senior managers attending your governing body inhibit the conduct of business?

The EIS believes that the presence of senior managers does inhibit the conduct of meetings as such managers invariably support and reinforce the Principal's position on matters.

The EIS evidence submitted to the Von Prondzynski Review which is also submitted to this review covers this area in detail.

Is the attendance of senior managers beneficial to the functioning of your governing body?

The senior staff present do not give their own independent views – simply the views of the University Executive Group – which would be the same as the Principal's. Such staff therefore add little added value to a governing body's deliberations.

Would there be merit in ensuring that the number of officers in attendance does not exceed the number of lay members present?

There is no merit in stacking the membership (or attendance) of Governing Bodies as to allow parity in the numbers of lay and officers present.

Are there effective ways of ensuring a proper balance of input with the need to maintain an ethos which is supportive of open and frank discussion?

The EIS believes that Principals should understand their positions as Chief Executive of the Governing Body and that it is their role to ensure that its decisions are carried out. Furthermore, Governing Bodies understand and acknowledge the status of proposals and views expressed by Principals (representing the University's Executive Group), and do not disregard them lightly.

The EIS does not believe that having senior officers present simply repeating the Principal's (or UEG's) views adds any value to the governing body inputs – and certainly does not lead to balanced debate since senior officers are not giving their personal views but the University line.

The EIS believes that senior officers should be called in to call upon their technical expertise on an item by item basis, not on a whole meeting basis. They should not be members of the governing body or in attendance for any more than is required of them.

It would also be possible for senior officers to place in writing their technical views on matters in advance of any meeting.

Questions:

Is the current size of your senate/academic board appropriate?

Would the Report's recommendations improve the functioning of your academic board (if you have such)?

The EIS believes that the Report's recommendations would improve the functioning of university academic boards.

Would the academic functioning of the institution be enhanced or impaired if such constraints were placed on your academic board composition?

It would be enhanced.

Are there alternative ways of ensuring that an appropriate balance of interests is represented on your academic board?

Question:

Are there any other issues you wish to raise about how the new Scottish Code might ensure the highest standards of effective governance?

The EIS supports the recommendations set out in the Von Prondzynski Report as an essential step in improving governance in Scotland's HEIs. The EIS reaffirms its evidence to the Von Prondzynski review and therefore submits this evidence for the attention of the current review.

EIS

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