

Unison, Edinburgh Napier University, response to The Scottish Code of Good Practice for Governance of Scottish Higher Education

Foreword: - The consultation document which we have been asked to respond to (November 2012) places much on Ireland's Universities Act 1997 and 'the existing 2005 Act'. However we recognise that many other countries have already addressed the issues of University governance. We would like to quote from Gary Olsen, USA University, in his article on Exactly what is 'Shared Governance' (<http://chronicle.com/Exactly-What-Is-Shared/47065/>)

'The key to genuine shared governance is broad and unending communication. When various groups of people are kept in the loop and understand what developments are occurring within the university, and when they are invited to participate as true partners, the institution prospers. That, after all, is our common goal.'

This union wishes to engage in shared governance in representing our members and working with the Court, other trade unions and students to ensure the highest level of communication and consultation enhances the prosperity of the University and ceases its current decline.

We offer the following responses to the questions laid out in the Good HE Governance consultation document.

Question 1: 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?

Yes. We would argue to develop the Irish thinking in the University. The University staff engagement surveys of 2010 shows staff are reluctant/frightened to speak out in the University. The drive for strategic goals by the University management over the last few years has resulted in a culture of 'managerialism' where staff are not consulted or involved in decision making and the concept of 'academic freedom' has been stifled. It is essential that this 'freedom' is restored as this culture and behaviour is shown to increase confidence and contribution by staff and growth and development within the University. It is what makes education 'tick'

Question 2: 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 SFC

Yes – to ensure staff and student voices are heard and respected. It appears that some Universities will be ahead in this game and that this University has a lot to learn from those who offer a more engaged and transparent approach to governance.

Question 3: *Is enough being done in all cases to encourage openness and transparency, or should further measures, including public meetings, be considered?*

We do not believe that enough is being done to encourage openness and transparency. This University has a Court which appears to have a constitution which actively seeks to discourage trade unions from engaging with it. Their regulations do not allow for deputations by unions/staff unless 'items are on the Court agenda for that particular meeting'. We are unable to access the agenda items so are unable to challenge the response we receive to a deputation request- forcing us to lobby the Court meeting to get across important issues.

As a public funded body there is poor recognition and accountability of Court members in comparison to other public bodies e.g Health Boards; Local Councils; NMC many of whom hold all or part of their meeting in public.

It is beholding on all public bodies i.e. any institution which is wholly or partly funded by public spending to have the confidence of the public and recent reports would suggest many Universities do not achieve this, generally though the reported actions of Principals.

Question 4: *Should staff and students be involved in the appraisal of the Principal? If so how?*

This union believes they should. It is not difficult to consider annual University league tables; Student satisfaction surveys; University annual report and financial report; Employee engagement surveys as explicit evidence base for the performance of the university.

Implicit evidence could take the form of profile at home and abroad; visibility; communication; personality; responsiveness; transparency; and integrity of the individual.

Question 5: *Should remuneration committee membership be widened to include staff and students?*

We believe it should and remuneration should reflect the annual increase afforded to all staff and should be linked to outcomes in Question 4 above.

Question 6: *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?*

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?

The salary for the senior officers is agreed annually by the remuneration committee of the Court. The annual report publishes only the Principal's salary, unlike other public bodies which publish the salaries of and identify the relevant post holders,

when salaries are more transparency on this process with all staff being advised on senior staff pay increases as they occur, as currently we have to wait the publication of the annual report or request a FOI.

Question 6: Do you think current arrangements for appointing the chair of the governing body are effective in being sufficiently rigorous and transparent?

Taking account of your institution's governing instruments are there ways of you wish to propose to enhance the extent to which the chair might be seen to 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?

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

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

We have chosen to answer all these issues in the one response. We believe the current processes to be flawed in that, although the posts may be advertised publicly, there is the question of equality issues and understanding of how these are applied in the selection of the post holder and then by the actions and communications of the post holder in a university. The appointment of some Court members seems to fall rather short of appropriate processes and conduct in equality agendas, as does their behaviour once appointed at times..

Staff and students should have a say in appointments and we agree to both remuneration for Chairs and full expenses for all Court members to cover cost of their contribution- as this should widen participation from minority groups – and involve accountability and policy compliance processes- which would allow earlier challenges to decision making and behaviours. Court members and staff should be made clear about what the governing body is accountable for and what remit falls to the Principals – at times this appears vague and lacks transparency- with faceless bureaucrats wheeled out for graduation ceremonies.

Question 7: Are current mechanisms effective in ensuring that the governing body is well informed of the views of staff across the institution?

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

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?

It is unlikely that the governing body is aware of staff views and since we don't see the agenda or a full report on the meetings we only see that they seem to deal with

information presented by the University e.g Academic Board/ H&S Committee minutes. Minutes are not published timeously and months can pass before they are online. See question 3 for 'ease of access' to the governing body.

See above comments. We would doubt that many staff sees transparency in the governing board activities. In most cases staff members are elected to Court on a minority vote in relation to number of relevant staff who can vote for them.

The size of the governing body is hard to comment on – most organisations would consider small but effective and efficient boards to be the best way forward. Our board currently has 22 members, of which over 70% appear to be male, This governing body appears to be an excessive number for the size of the institution.

Question 8: Would it be appropriate to require that up to two of your governing body members should be alumni?

We have no problem with this proposal if all equity and diversity protocols are applied.

Question 9: Should the Scottish code set a quota for the proportion of female members of the governing body?

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

Why just quotas for women? Surely the governing body should reflect the diversity of the local and student population since education is such a valued issue in Scotland and free at the point of delivery.

Question 10: 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 for lost wages be the best way to address any issues arising?

Due to a lack of transparency we are unaware of how expenses are currently paid but expenses for attendance and lost wages should extend interest and participation. See question 6.