

COMMITTEE OF SCOTTISH CHAIRS

PROPOSED CODE OF PRACTICE FOR HIGHER EDUCATION GOVERNANCE

October 2012

1. Background

In June 2011, the Cabinet Secretary for Education and Lifelong Learning commissioned a review of higher education governance which was chaired by Professor Von Prondzynski. The remit of this review was to:

- consider whether current institutional governance arrangements in the higher education sector in Scotland deliver an appropriate level of democratic accountability given the level of public funding institutions receive;
- identify and examine proposals for change which observe the benefits of an autonomous sector but will also consider the importance of full transparency; and
- the effectiveness of management and governance, the clarity of strategic purpose and its efficient implementation.

The Review's consideration was required to encompass:

- the purpose of university governance in Scotland in the 21st century.
- the different forms governance takes across all Scotland's higher education institutions.
- where governance works well, where it does not and what standards of good practice should all governing bodies observe.

In this context the Review was asked to consider the following areas:

- The current engagement of institutions with their communities and stakeholders and specifically to examine the case for a supervisory council or forum representing such interests, its make-up, its remit and the role it might perform in improving institutional governance.
- The current size and composition of governing bodies and whether changes need to be made to enable them to fulfil their role.

- The arrangements for the appointment of Principals and governing body members and the potential for involvement of a supervisory council or forum in that process.
- The case for the introduction of a rector at all institutions.
- The current arrangements surrounding governing body effectiveness reviews and any changes required to deliver greater accountability.
- The effectiveness and transparency of information sharing between the executive and the governing body.
- The effectiveness of communication within institutions between staff, the executive and the governing body.
- The current arrangements and case for representation of students on all governing body committees.
- The current arrangements for the induction, training and ongoing support of lay governing body members and whether specific Scottish provision is needed.

The Review reported in February 2012 and made a number of recommendations on governance arrangements, including the recommendation that the Scottish Funding Council should commission the drafting of a Code of Good Governance for higher education institutions

2. The Way Forward

The Higher Education sector in Scotland is a vital and successful part of the economy. It is important in terms of current employment, in developing the necessary skills of the workforce and in undertaking research into all sectors of the economy. It also generates significant income from overseas from educating foreign students and from the international research that it carries out and its reputation throughout the world is extremely high with several universities ranked with the top 100 in the world. Any Code of Practice must recognise the importance of the sector to the economy and ensure that the contribution to the success of the economy nationally and internationally is enhanced.

Universities are communities made up of students, staff and other stakeholders and a successful university recognises the importance of students and the contribution made by staff and other stakeholders. As a result Good Governance requires that the way in which a university is governed must allow for the interests of all those stakeholders to be taken into account.

The Committee of Scottish Chairs (CSC) met to discuss how to take forward the recommendations of the Von Prondzynski Review and concluded that that they should commission that new Scottish Code of Good Governance. The Scottish Funding Council agreed with that approach.

The decision of the CSC to prepare that new Scottish Code of Good Governance was discussed with the Cabinet Secretary for Education and Lifelong Learning on 22 May 2012 and CSC has taken on board suggestions made by him at that meeting. In his statement to the Scottish Parliament on 28 June 2012, the Cabinet Secretary stated that he had asked the CSC to lead a group to develop a new Scottish Code of Good Higher Education Governance.

As a result the CSC has appointed a Steering Group to oversee the preparation of that new Scottish Code of Good Higher Education Governance

3. Composition and Remit of the Steering Group

The steering Group is made up of the following individuals:

- Lord Robert Smith of Kelvin (Chair) – Chancellor of the University of the West of Scotland
- Dame Elish Angiolini – Principal, St Hughes College, Oxford
- Simon Pepper – Former Rector of the University of St Andrews
- Tony Brian – Chair of Court, Glasgow Caledonian University
- David Ross – Convener of Court (Senior Lay Governor), University of Glasgow
- Eric Sanderson – Chair of Court, University of Dundee

- with Lord Vallance of Tummel as a Special Consultee providing input from the SSIs

The Remit of, and process to be followed by the Steering Group, are set out in Section 4 below.

4.1 Terms of Reference

The remit of the Steering Group is to develop a new Scottish Code of Good Higher Education Governance which:

- takes account of the recommendations of the Von Prondzynski review;
- incorporates the standards of good practice existing in the Higher Education sector and elsewhere;

- makes proposals that are based on sound evidence;
- clearly identifies the separate duties and responsibilities of management and governing bodies;
- reflects both the inputs and the outputs required of governing bodies and governance;
- takes account of the importance of both the relationships and processes required to achieve good governance;
- considers the inter relationship which governing bodies should have with other bodies within their institutions concerned with governance ;
- is suitably flexible so that it can be applied to all institutions including the Small Specialist Institutions; and
- addresses if, and to what extent, the Code should apply to the Scottish operations of institutions based in other countries and to overseas operations of Scottish institutions;

4.2 Process

In developing the new Scottish Code of Good Higher Education Governance the Steering Group is asked to:

- operate in an open transparent manner publishing reports on its progress, consultations and responses received thereto and demonstrating the reasons for the terms of the new Code;
- consult students, staff and members of governing bodies at each Scottish Higher Education institution and Lord Vallance as Special Consultee for SSIs on the draft code as it is developed;
- consult other key external stakeholders in the sector on the draft as it is developed; and
- seek to complete its task by Spring 2013.

Contact us

To contact the Steering Group please go to www.scottishuniversitygovernance.ac.uk.