

## Consultation response on revised, draft Code of Good HE Governance

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This consultation response is on behalf of Eurig Scandrett, Senior Lecturer in Sociology at Queen Margaret University. I have been an elected officer for ten years in QMU's branch of University and College Union, QMU's largest recognised trade union, and I am also an elected staff member of QMU Court (for six months). The views expressed here are my own and have not been the product of consultation with either body, although are based on my experience of serving in both capacities. In addition to the views expressed here, I would endorse the consultation response which has already been submitted from UCU Scotland.

The improvements to the Code of Good HE Governance are welcome, and in particular those revisions which serve to improve transparency and accountability, and equality and diversity. The Code can go some way towards addressing some of the problems facing Higher Education in Scotland, of which the most pressing is the pressure on institutions to put economic considerations above the principal aims which must always remain education and research. In this respect it is disappointing that, in paragraph 9, the draft Code states:

The governing body must ensure that the Institution's policies and actions are ethical and sustainable. *It must aim to contribute to economic development* while seeking to improve its environmental impact and the wellbeing of its students, workforce and the other communities with whom it interacts, whether local or more distant. (emphasis added)

It isn't clear why 'economic development' is privileged here, especially in a section on social responsibility. Contribution to economic development should not be an 'aim' of a university Governing Body. The Forward of the Code rightly privileges education, research and creativity whilst also acknowledging the contribution of HE generally to "producing sustainable, inclusive economic growth". The Code of Governance should provide some protection against the significant and increasing problem of pressure on universities to contribute to economic development, especially where this interferes with their role as institutions of learning and research, and in particular, as is often the case, where economic pressures militate against the institution's responsibilities for the wellbeing of students, workforce and other communities. An improvement to the Code would recognise this hierarchy and ensure that economic development does not take precedence.

Where the term 'appropriate' is used in the document, further guidance is provided in some cases whereas not in others. For example there is some detailed guidance on what constitutes appropriate financial management whereas a lack of guidance of what constitutes appropriate measures "for engaging with the public and the wider communities which it serves". Whilst such guidance should not be prescriptive, there are some basic principles (eg mutual or public benefit, non-discriminatory, support for vulnerable groups, not exclusively commercial) which might be highlighted. Otherwise, "appropriate arrangements for engaging with the public" may be interpreted minimally, or used merely as a justification for commercialisation, or not taken as seriously as other requirements for which more detailed guidance is provided.

The section which requires clear goals and monitoring to achieve greater equality and diversity is welcome. There is a value in cross referencing this with the section on membership of Governing Body. For example, the draft Code requires Governing Bodies to "ensure appropriate coverage of skills and stakeholder involvement" and "balance of skills, attributes and experience

required” which must inform recruitment of lay members. This would be enhanced by noting that this should include consideration of protected characteristics, in order to enhance “stakeholder confidence”. This need not be prescriptive, but given that there is a concern that Governing Bodies disproportionately represent retired white, non-disabled men, some stronger encouragement to ensure representation of the interests of under-represented groups would be valuable in the recruitment process of Lay Members. Whilst some improvements in diversity have been achieved voluntarily in a number of Governing Bodies, it would be valuable to include in the Code some responsibility for improving diversity in order better to represent the community which the institution serves. In particular, this might reflect, not just the attribute of minority protected characteristic, but also experience of activities in support of inclusion for such groups (eg from advocacy groups or NGOs) – which goes beyond the monitoring of goals as required in the section on Equality and Diversity.

Paragraph 27 states: “Once appointed, all members assume the same responsibilities, obligations and rights and must therefore be expected and supported to participate fully in all governing body business, unless a clear conflict of interest is identified”. This is to be welcomed. However, this appears to be contradicted in paragraphs 72 and 82, which specifically require elected student and staff/trade union members for the appointment of the Principal and membership of nominations committee.

It is particularly welcome, in paragraph 88, that the views of students and staff (including through trades unions) should be taken into consideration in relation to the remuneration package of the Principal and the senior executive team. However there is some potential ambiguity and inconsistency in this paragraph. In particular the statement that “This requirement may be implemented in part through relevant members of the governing body serving as members of the remuneration committee or attending its meetings” contradicts the requirement for such relevant members *not* to reflect the views of the constituency from which they are elected. Rather, it would be more appropriate to include a requirement for *both* these relevant members to be included in the remuneration committee *and also* the views of students and staff obtained through their respective associations and trades unions.

The requirement to declare any “financial, family or other personal interest” is entirely appropriate as in all public bodies and charities. Some clarification of “other personal interest” may be beneficial. It is assumed that this implies that the member may stand to benefit personally from certain decisions being taken.

The commitment to achieve gender balance is laudable. However the equal treatment of male and female members does not take into consideration the problem which this requirement is designed to address – the under-representation of women. There may be circumstances in which there should be a higher majority of female members than 60%, in order to compensate for the historical and ongoing male dominance in public life, and wider goal of gender equality in society. This may be particularly appropriate in institutions, such as QMU, which has historically played an important role in promoting education for women.

With a view to encouraging transparency and openness, it would be valuable to include within the Code an encouragement for general meetings of the Governing Body to be held in public (including in the presence of press representatives and key stakeholders such as students or staff as observers), except where specific agenda items require discussion to take place in private.