

# Open consultation: Review of the Scottish Code of Good Higher Education Governance

**April 2017**

## Context

In 2016, the Committee of Scottish Chairs (CSC) of Scottish higher education institutions launched an evidence-based Review of the Scottish Code of Good Higher Education (HE) Governance (henceforth 'the Code'). The review was entrusted to a Steering Group whose membership includes all major stakeholder groups. Independent consultants from the [Leadership Foundation for Higher Education](#) were commissioned to collect and analyse evidence from an open public consultation, a survey of governing body members and extensive consultation with stakeholders at each institution and at national level. Full details of the Steering Group and the evidence-gathering process can be found at [scottishuniversitygovernance.ac.uk](http://scottishuniversitygovernance.ac.uk).

The Steering Group has now completed its review and has produced a draft revised Code. This seeks to recognise and reflect the continuous evolution of best practice in governance and to accommodate changes that follow from the [Higher Education Governance \(Scotland\) Act 2016](#). Views are now sought on the draft revised Code.

## How to respond

Please complete these questions using the online response form before **21 June 2017**.

Alternatively, please email a response to the consultation, including your completed respondent information details, to [dan@universities-scotland.ac.uk](mailto:dan@universities-scotland.ac.uk) or send a written response to the consultation by post to:

Daniel Wedgwood, Universities Scotland, Holyrood Park House, 106 Holyrood Road, Edinburgh EH8 8AS.

## Respondent information

Are you responding as an individual or an organisation?

Individual	
Organisation	x

Please enter your full name or the organisation's name here

University of the West of Scotland

Address

High Street  
Paisley

Postcode

PA1 2BE

Telephone number

0141-848 3677

Email address

Donna.mcmillan@uws.ac.uk

The Committee of Scottish Chairs would like your permission to publish your consultation response. Please indicate your publishing preference:

NOTE - If you are responding on behalf of an organisation, anonymous publishing refers only to your name, not your organisation's name. If this option is selected, your organisation name will still be published.

Publish response with name	x
Publish response only (anonymous)	
Do not publish response	

The University recognises that the revised Code takes account of the changes to University governance introduced by the Higher Education Governance (Scotland) Act 2016.

The restructure of the revised Code into seven thematic sections makes it easier to follow which is welcome. The removal of good practice examples from the main body of the text is also an improved structure.

However, there are a number of concerns relating to the draft Code which we would wish to raise:

- The 2013 Code provided a useful governance framework and stated that it was not a prescriptive set of rules (Part 1) but a set of Main Principles to be complied with and a range of supporting guidelines to be observed. The tenor of the draft revised Code has adopted a compliance approach with a much increased emphasis on requirements which are expected of all institutions. The University believes that the change in tone and approach of the revised Code is excessive and inappropriately regulatory in character which does not appear to meet the stated intention (in the foreword) to balance the diversity and autonomy of Scotland's HEI with the needs for high standards of governance.
- Point 10 of the draft revised Code requires the Court to aim to support the principles of fair work as defined in the Scottish Government's Fair Work Framework. The University is supportive of the principles in the Fair Work Framework but would question if the inclusion of such specific and current initiatives in a Governance Code may compromise the ongoing currency of the Code.
- Point 28 of the draft revised Code says "no committee should be restricted to lay members only". Appointments to committees are made by Court based on the recommendation of a Nominations Committee based on a skills evaluation. The Court should be able to agree the composition of its own sub-Committees based on an evaluation of the remit of those sub-committees and the attributes and skills of the various members of the governing body and not through category of membership.
- Point 31 of the draft revised Code requires the institution to maintain a public register of gifts and hospitality offered to governing body members (including offers that were declined and why). The University supports the principle of transparency and probity with regard to Court Members but would suggest that guidance of an appropriate minimum level (e.g. where the value was more than £50) be included in the Code to ensure proportionate implementation of such a register.
- Point 34 introduces a new requirement for a specific KPI in the area of equality and diversity. The University and the Court are very committed to monitoring and reporting on equality and diversity and it is one of our published institutional truths that we are an inclusive organisation that welcomes and values diversity. However, the principle of identifying any specific KPI for all institutions within a governance code is questioned since it is for the governing body to agree appropriate KPIs for each HEI.

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**Thank you for responding to the Review**