

**January 2016**

## **UCU Scotland briefing for the stage one debate on the Higher Education Governance (Scotland) Bill on Thursday 14 January 2016**

'My university became less democratic and accountable in the last few years. Time to change direction.' University lecturer, Glasgow.

The University and College Union is the largest trade union in the Post-16 education sector in the UK, representing 120,000 academic and related members across the UK, and is the largest union in the higher education sector in Scotland.

### **Introduction**

UCU welcome the decision of the Education and Culture Committee to support the bill at stage one. The measures contained in this bill, particularly those to introduce elected chairs of governing bodies and for trade union and students nominees to have places on the governing body are areas where UCU have campaigned over many years. We are also supportive of the limited proposal to extend the 2005 definition of academic freedom contained in the bill.

This briefing seeks to identify some of the current problems in university governance, outline why reform is need and comment on some of the areas raised in the committee's stage one report on the bill. In addition it also includes quotes from some of the 1,400 UCU Scotland members and supporters who signed a petition in 2015 calling on the Scottish Government to legislate on reforming the governance of Scotland's universities.

### **Problems in university governance**

We believe that the current governance procedures in Scottish universities need to be reformed and that the measures contained in the von Prondzynski review (of 2012) and carried forward in the bill are positive steps forward. Having an elected chair of the governing body and ensuring that trade union and student nominees are on the body will not themselves ensure that governing bodies will cease to make bad decisions but we believe that they will make it more likely that decisions will be appropriately considered and challenged by the governing body and are less likely to simply be nodded through by a governing body unwilling or unable to do its job with sufficient thoroughness.

There are a number of decisions made by Scottish universities recently which we believe

better governance arrangements would have positively impacted on. These include the apparent never ending rise in principals' pay and the lack of transparency on how such increases are decided; job losses at various universities in recent years including Aberdeen, Dundee, Glasgow, and Strathclyde universities. The point about job losses is not that a university can or should never be able to make staff redundant – although as a trade union we would be bound to represent our members' interests – but rather if redundancies are being pursued then these decisions need to be appropriately scrutinised to ensure they are in the interests of the university. This is especially so when cuts can lead in practice to an institution (as happened at Strathclyde and Glasgow in recent years) ceasing to offer certain courses or shutting whole departments. Such a decision may be the right one for an institution but it is a very substantial one to close a department sometimes after many years of teaching and research. We can only know that such a decision is the right one for the institution if the governing body does its job in the interests of the university and wider community and determines this after scrutiny rather than simply accepting decisions already made by senior managers.

We have also witnessed large pay increases for some university principals year on year. In the last year for which we have figures we saw rises of up to 13 per cent along with further expenses of tens of thousands of pounds. Clearly leading a university is a difficult job and one which for someone should be appropriately paid but the scope of remuneration packages appears out of control and, most worryingly, the lack of transparency under which these sums are awarded can appear murky and unaccountable. Having faced criticism the previous year over the lack of transparency in principals' pay Universities Scotland – the body which represents university principals – argued that the sector had established a new norm of the very highest standards of transparency. The principals' pay awards which became public in 2015 demonstrated that was simply untrue. UCU asked universities in an FOI request for details of the decisions and rationale for the decisions made by the remuneration committees in setting their principals pay. Over two-thirds of Scottish institutions refused to provide full details. Of 17 asked four refused to send any information and eight redacted the minutes to, in some cases, make them unreadable. For a sector that receives over one billion pounds of public money annually this is simply unacceptable.

## Quotes on governance reform

Our members also support reforming the governance of our universities. Motions on democratising university governance are regularly passed at Scottish and UK UCU congress. Our members also told us why this matters during our recent campaign to make universities more democratic, accountable and transparent. Some of their quotes are listed below:

- 'My university became less democratic and accountable in the last few years. Time to change direction.' Dr I, Glasgow.
- 'There has never been a greater need for reducing cronyism in Universities than now when appointments and decisions are often based on personal allegiances and greed.' RM, Glasgow.

- '... This is an opportunity for higher education to re-assert its distinctive character in the face of degradation and humiliation' Professor R, Stirlingshire.
- 'We need less managerialism and more participatory democracy in universities.' Dr J, Stirling.
- 'Need to protect academic freedom and university staff from increasing interference.' DB, Glasgow.
- 'It is high time that universities were democratised. From public scrutiny of management remuneration to the involvement of a broader set of voices in the running of universities, the need is acute...' RC, Glasgow.
- 'Union representation on university governing bodies is a democratic right and increases good governance. Why do Scottish principals oppose this? What have they got to hide?' Dr R, Dundee.
- 'I think this is vital to the health of our universities.' Dr M, Glasgow.
- 'Universities are an important part of the community and should strengthen ties with effective representation and democracy.' MW, Dundee.
- 'I find the way in which I am 'managed' in higher education soul destroying. I remember when we had democracy in universities, and when academic freedom was sacrosanct...' FP, Glasgow
- 'Processes governing our universities need to be open, transparent and fair. Excluding the trade unions on the grounds of 'self-interest' but including industry and external stakeholders seems unjustifiable.' RM, Stirlingshire
- 'Universities have to be accountable to all their representatives including students and staff.' MC, Glasgow
- 'We have given up too many democratic principles to University management. It is time to reclaim our rightful place in the representative committees of the university.' Dr A, Glasgow
- 'The more open and inclusive the better the governance.' AS, Edinburgh.
- 'I support greater transparency of decision making and facilitation of genuine collegiality.' IT, Stirlingshire.
- 'University governance should be transparent and representative of all stake holders...' RB, Renfrewshire.
- 'Universities are becoming fiefdoms – time we had some democracy and transparency.' RM, Dundee
- 'Institutions of learning should be open and democratic in their decision making.' Dr M, Glasgow.

## Detail of the bill

The education and culture committee's report on the bill comments in detail on a number of aspects of the bill. It looks specifically as to whether the bill, as it stands, could lead to higher education in Scotland being at risk of reclassification by the Office for National Statistics. This came from legal advice sought by Universities Scotland, the body that represent university principals. As has been commented on in the report the ONS do not

give a running commentary on their thoughts so in essence the threat of reclassification has continued to hang over the bill since late summer 2015 and despite Scottish Government assurances that they do not believe that there is a threat, this question has not gone away. UCU would not support any measure that led to overreaching ministerial powers or to the reclassification of Scotland's universities. To that end we welcome the statement from the Cabinet Secretary that the Scottish Government would seek to fix the bill at stage two to ensure that the threat of reclassification is negated.

UCU, along with other stakeholders has participated in discussions on how the measures contained in the bill would work in detail. The key measures for us – as outlined in the introduction – are the elected chair and both trade union and student nominees being on the governing body.

We are strongly of the view that the chair should be elected by all staff and students of the university. Although numerically an electoral college would likely be in favour of our members over the student body we think for simplicity's and openness' sake it would be better not to have an electoral college but rather to use a simple one individual one vote system of election. In addition we would rather not see candidates for the chair facing any pre-election interview stage but accept that, if it is a reassurance to those currently arguing against elections on the basis of an argument that somehow 'improper' candidates might win a democratic election, a pre-election stage could be incorporated on the basis that it ensured a candidate was competent and able to fulfil the role rather than any question of 'vetting' of candidates.

At times since the bill was introduced the question of rectors has been to the fore. We believe that the traditional example of a rector – elected by all staff and students – is the ideal model that the new elected chair will seek to replicate. Sadly, however, over recent years the position of rector has lost some of its power with in most cases rectors not chairing court or not chairing the substantive parts of the court meetings looking at finance or resources - the serious business being chaired by an unelected senior governor. We have stated our view, as von Prondzynski suggests, that where a university currently has a rector that the new chair should be called the rector but that they should chair meetings of the governing body.

The Scottish Government in their response to the committee's stage one report indicate that their preferred option is to elect the senior governor rather than a rector by all staff and students after a pre selection stage and also have a rector in institutions where one currently exists. While electing a rector in all Scottish institutions to act as a chair and replace the role of senior governor is UCU's preferred option we believe the model suggested by the Scottish Government will also work and is worthy of support. Having both an elected chair (the position of senior governor) and also an elected rector with limited powers would be a major improvement on the situation at present.

We also strongly support the measures in the bill to have trade union and student nominees

on university governing bodies. The more representative the governing body is of the university community including staff, trade unions and students, and ideally of the wider community in which it sits the better. Universities rightly recognise trade unions for collective bargaining and we see no reason why that should not also be the case with regard to involvement in the governing body. Trade union nominees bring great experience and knowledge to the table and are as capable as anyone of acting in the interests of the institution. Involving trade unions in the governance of organisations is also in keeping with the findings of the Scottish Government's Working Together review. Some of the arguments made against trade unionists being on the governing body - for example that they are incapable of acting in the best interests of the institution, are self-interested and unable to act within Nolan principles of public life - are offensive to trade union members and simply wrong.

## Conclusion

UCU supports the measures in the bill to elect chairs of governing bodies and look forward to continuing to work with the Parliament, Scottish Government and stakeholders to reach consensus on the detail of this. We support the chair – whether an elected senior governor or rector - being elected by all staff and students and the governing body itself being widened to include both trade union and student nominees.

We do not support increasing ministerial powers or any measure which would lead to universities being reclassified by the ONS. To that end we look forward to Ministers bringing forward amendments to fix the bill.

UCU believe that the current model of university governance – one which has moved away from Scottish universities' democratic traditions – is in need of reform. The success of our universities internationally is down to staff and UCU members' hard work in teaching and research. It is not a result of a governance regime which allows year on year inflation busting pay increases for principals to be reached in private, or for courses and departments to be closed without proper scrutiny. The Higher Education Governance (Scotland) bill, while needing detail added and areas fixed around ministerial powers, has the potential to ensure that the disconnect between staff and senior managers is reduced and that the democratic model so valued by the staff and students in universities is returned to our ancient institutions and introduced for the first time in our newer universities.

For more information please contact:

Murdo Mathison  
Policy and Communications Officer, UCU Scotland  
Tel 0141 225 8163 (dl)  
[mmathison@ucu.org.uk](mailto:mmathison@ucu.org.uk)