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Dear Sirs

A Changing Landscape for Tertiary Education and Research in Scotland

I enclose comments from the University Court of the University of Edinburgh on the above consultation paper and the associated draft Bill. The Court is the University's governing body; it has given close scrutiny to the consultation paper and draft bill, and has taken considerable care in preparing its comments.

As the governing body of one of Scotland's leading higher education institutions, making substantial contributions to teaching and research in Scotland and to the Scottish economy, and as a major potential contributor to the achievement of a 'Smart, Successful Scotland', the Court very much hopes that these comments will receive full and careful consideration from the Executive. It will be seen that whilst the Court is supportive of the core purposes underlying merger of the two Funding Councils, it has severe reservations about a number of the implications arising from the Bill, in particular in regard to apparent threats posed to the University's independence and its capacity for entrepreneurial action, to its funding and to its future research performance.

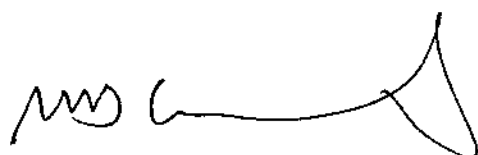
The Court understands that interactions with the Executive during the consultation period have given rise to the impression that the Bill may not fully reflect Ministers' intentions in regard to the future legislative regime under which further and higher education institutions should operate in Scotland. When concerns have been expressed about aspects of the draft Bill, responses have been offered to the effect that those concerns are misplaced, or that the relevant provisions would only be used in extreme circumstances. If this is the case, then the Court would strongly suggest that the wording of the Bill be amended so as to reflect the position as actually intended by the Executive, such that concerns are assuaged.

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Moreover, the Court believes that there should be careful scrutiny of the draft Bill to ascertain whether it really is necessary, or indeed helpful, to enshrine in legislation some of its detailed provisions. Effective mechanisms already exist (such as SHEFC Conditions of Grant, special funding schemes – e.g. Strategic Change Grant, SRIF etc - and the Financial Memorandum) for creating a regulatory framework which is capable of ensuring accountability for public funds and pursuit of strategic priorities by the higher education sector without the need for legislation and which is capable of being changed relatively rapidly to reflect changing circumstances.

I trust that these comments will be helpful to the Executive in deciding how to take this matter forward.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M D Cornish', followed by a long horizontal line that ends in a large, stylized loop.

M D Cornish
University Secretary

Enc.

The University of Edinburgh

Comments on the consultation paper “A Changing Landscape for Tertiary Education and Research in Scotland”, and the draft Tertiary Education (Funding) (Scotland) Bill.

Introduction

1. The University Court of the University of Edinburgh is pleased to have the opportunity to comment on this important matter. The draft Bill appears to have very significant and extensive implications for the University and for the higher education sector in Scotland. The University welcomes the commitment the consultation document makes to lifelong learning, to the distinct legal status, character and mission of universities and to the importance of effective articulation between the Higher and Further Education sectors. However, it and the draft Bill raise a number of serious concerns, and we very much hopes that the Executive will give careful consideration to the comments set out below. These comments are in two parts: (i) some more general observations on the consultation paper and on the draft Bill and its implications, and (ii) specific comments on a number of the sections in the Bill, some of which expand upon the general comments.
2. We are aware that an interpretive memorandum is to be prepared which would supplement the Bill, when enacted, and amplify the Executive’s intentions in a number of respects. Absence of a draft of this document has made it more difficult to comment on aspects of the draft Bill. Moreover, there appear to be varying views on the extent to which such a memorandum would actually be legally binding: it is essential that any uncertainty in this respect is resolved with the minimum of delay. We trust that there will be opportunity to comment on any draft memorandum which is prepared in connection with the Bill.
3. **The Court wishes to emphasise that it is particularly concerned by apparent threats which the draft Bill poses to the University’s independence and capacity for entrepreneurial action, to its funding and to its future research performance.** These are explored in more detail in later sections of this response (paragraphs 8–20).

General Observations

The merger proposal

4. We have no objection in principle to the merger of the two Funding Councils, and indeed recognises that some benefits could flow from this – although it is not wholly clear in what way these would be any greater than can be achieved with the existing joint secretariat. However, the draft Bill seems to be intended effectively to secure merger of the further and higher education *sectors* into a single tertiary sector, with little rationale offered for such a wide reaching change. We fully accept that all educational provision of appropriate quality should receive parity of esteem, but that is a question of perceptions of the quality of provision and the contribution made to society: it is not something that can simply be brought about by legislation. As one indicator that the two sectors will not loose their identities, we strongly believe that the merged Council should be called the Scottish Further and Higher Funding Education Council. This observation is made in a context where Scottish Higher Education is a brand recognised throughout the world: its loss would do significant harm to Scotland.
5. The inherent differences between provision of different types at different levels needs to be recognised, not least in funding arrangements. It is vitally important to Scotland’s

future prosperity and to the well being of its people that the existing strengths of the universities are not damaged by the proposed changes, and that their distinctive characteristics are indeed recognised and nurtured in any future funding arrangements. In this context, we regret that the draft Bill and the consultation paper do not appear to articulate a coherent and ambitious vision for Scottish higher education within a global context.

The consequences of merging the sectors

6. Within the present legislative and regulatory framework, and as independent institutions, this University and indeed the Scottish higher education sector as a whole, have been very successful in pursuing their diverse missions and in meeting the needs of the various markets in which they operate, both for teaching and research (including knowledge transfer). Indeed the independence and entrepreneurial approach of Scotland's higher education institutions has enabled the sector as a whole to exhibit flexibility and deliver a diverse and appropriate range of responses to the wide variety of market demands and Executive priorities. The sector operates in international markets, and whilst the Universities certainly have a major responsibility to the Scottish community within which they are rooted, institutional strategic development needs to be planned and implemented in that international context. The proposed changes appear to offer little which will facilitate improvement of the international competitiveness of the University of Edinburgh in relation to either teaching or research. This is of course important to Scotland, in attracting the best talent to work in our universities, and in bringing international students to study and, in keeping with the First Minister's 'Fresh Talent' initiative, to work here.
7. We recognise that one benefit sought from merging the two Funding Councils is improvement in articulation between Further and Higher Education, and it supports this objective. Indeed, the University has been successful at creating opportunities for progression from local FE Colleges: 7% of undergraduate entrants come from FE colleges, with approximately half of those being located in Edinburgh and the Lothians. It wishes to do more in this regard, whilst retaining the essential characteristics and quality of its undergraduate provision. More generally, we believe that both sectors are already performing well in relation to articulation within the current structures. It is not evident in what way the provisions of the draft Bill, other than the basic change of merging of the two Councils, would facilitate further achievement in this respect.

The importance of institutional independence

8. The independence of higher education institutions is, we believe, a bulwark of democratic societies. Universities are independent corporate bodies with a strong track record of effectively managing their own businesses in an entrepreneurial and innovative manner. Any proposals which appear to be aimed at reducing institutional independence need to be demonstrably necessary and subject to very careful critical examination. We are unconvinced that a case has been made for any such reduction. Independence should not be confused with licence. The University readily accepts accountability for the outcomes it achieves with the public money made available to it, and that accountability should relate to broad policy objectives determined by the Funding Council and the Executive's priorities. But it strongly believes that those outcomes are most likely to be of highest quality and most suited to purpose if they result from the exercise of the independent professional judgement and skills of the University's staff in regard to teaching, learning, research and institutional management and leadership, and from the exercise of good governance practices by the University Court, and notably the external members of that body. The proposed

increased regulatory environment is in direct contradiction to UK Government advisers' recommendation that a substantially lighter-touch regulation be applied to well-run universities (e.g.: *Better Regulation Task Force Report* and *Lambert Review, recommendation 7.5*).

9. In this context, attention is drawn to the recent creation of the Higher Education Regulation Review Group by the DfES, which will operate in England. This is intended to 'keep regulatory demands to a minimum' and 'play a central role in moving beyond a "one size fits all" approach to regulation and towards a greater consideration of the differences between institutions', as part of the objective of minimising bureaucracy and ensuring that higher education policy is 'developed in accordance with the principles of good regulation with an open consideration of costs, benefits and the impact of change'.¹ It will be substantially to the competitive disadvantage of Scottish institutions if they have to work with a more restrictive and demanding regulatory regime than comparable institutions south of the border.
10. Moreover, there are strong practical arguments for allowing well managed institutions to operate with the minimum of state interference and the maximum responsibility for their own affairs, acting entrepreneurially and taking advantage of opportunities. There is a virtuous circle here: the well managed dynamic institution which is able to take responsibility for its own affairs is more likely to attract the most able people to serve on its governing body, to attract the most able staff and to attract funding from diverse sources, including alumni, thereby increasing the probability of it being successful and serving its stakeholders effectively.
11. A further practical consideration of considerable importance is the value to Universities of their current charitable status, particularly for reasons related to taxation and fund raising. The recently issued Scottish Executive consultation on the draft Charities and Trustees Investment (Scotland) Bill has highlighted the need for independence from government as a criterion for retaining charitable status. There would seem to be distinct doubt as to whether this criterion could be fully satisfied if the draft Tertiary Education Bill is enacted. It is vitally important to the University that it should not lose its charitable status, and therefore the University Court urges the Executive to ensure that these two Bills, taken together, do not have this effect.
12. Several of the proposed changes represent a move towards a sector with more centralised planning. Such a move threatens to undermine institutions' flexibility, creativity and entrepreneurial activity, as well as introducing additional bureaucracy, which will be a distraction from core objectives. This is particularly so in the case of institutions which generate income from a wide range of state and non-state sources (only 35% of Edinburgh's total funding comes from SHEFC grant and 7% from home/EU students' fees). The state is one of several stakeholders in the University – other funding agencies also have legitimate interests in its activities and its competitiveness. There is a real danger that predominance by any one stakeholder in the affairs of the university may weaken its ability to attract investment from others.
13. We firmly believe that the role of the Funding Council should be exactly that - funding: it should not be a planning body. Centralised planning, whether for workforce needs or otherwise, has long been discredited. Experience shows that well managed and well governed institutions, with sufficient freedom of action and discretion over the application of funds in response to emerging priorities, opportunities and market pressures, to be a more effective means of addressing society's and individuals' needs. A Funding Council can use its funding to influence institutions to good effect, as

¹ Department for Education and Skills press release 2004/0119

SHEFC has shown, without there being a need for it to have a more overt central planning role. The legislation should make clear it that the new Council does not have such a role.

The threat to funding

14. The threat to funding comes from a number of sources. Some of these appear on the face of the draft Bill, some could follow according to the approach taken by the merged Funding Council. One major concern is that the new Council might take an over simplistic view of the relative costs of teaching at what is nominally the same SCQF level in Further and Higher Education institutions. SCQF levels 7 and 8 equate to the first two years of higher education - typically HND or HNC in further education and first degree programmes in higher education. However, the nature of that teaching can be and often is very different, with different cost drivers. It would be a great mistake, and very damaging to provision in universities, for unit funding for that teaching to be the same regardless of its nature. In this context we note that the statement that "25%" (actually, 23.5% from Annex C to the consultation paper) of higher education in Scotland is delivered in further education institutions needs to be examined closely. This figure is based on a head-count, not on FTEs (where the proportion falls to c.20%); but critically, when degree level provision is considered, less than one percent is located in further education colleges. Put another way, nearly 98% of FE colleges' work is at sub-degree level, which is appropriate to their mission, even though it is categorised as SCQF levels 7 and 8. This analysis is relevant also to the point made above that the inherent differences in the nature of further and higher education must be fully taken into account in considering the need for and the provisions of this proposed legislation.
15. The equalisation of funding levels for work categorised as SCQF levels 7 and 8, which seems to be implicit in the consultation paper, would adversely affect the quality of provision in those universities which are Scotland's 'brand leaders', and which are currently successful in attracting substantial numbers of students from furth of Scotland. This, especially as it could coincide with the availability of significant extra funding for competitors south of the border following changes in fees policy, would be very damaging to those institutions and to Scotland's competitive position. The Executive's desire to create "parity of esteem" between the two sectors needs to be seen in this context. "Parity of esteem", expressed as recognition of successful institutional achievement of goals and objectives, is a laudable concept. But it should not be allowed to transmute into 'equality of funding' regardless of cost drivers or quality and fitness for purpose of outcomes.
16. The Executive's intention to award a single budget [Consultation Paper para. 107] to the new Council is cause for serious concern. If there is to be any flow of public funds from one sector to the other for teaching, or a flow from research to teaching, or vice-versa, it should be on the basis of a political decision. Receipt by the Council of two budgets from the Scottish Executive, one for FE and one for HE, is a minimum condition for achieving this position, thereby helping to ensure government actually secures the full range of outcomes expected from each sector. Two budgets would also encourage collaboration between the sectors, as there will be no direct competition for resource, rather than promoting un-necessary and very probably damaging competition across the two sectors.
17. A further concern is that the legislation would open the door for other providers to be funded by the new Council in exchange for the delivery of teaching and research. It is unclear whether this is simply to deal with the consequence of mergers and the occasional creation of new public sector institutions, or whether it is intended to enable

commercial and/or overseas providers to be funded. If the former, then the University understand the need for this provision in the legislation. If the latter, it is a matter of considerable concern because of the threat of unequal competition and the a distinct threat of dilution of funding. The University believes that this would not be in the interest of Scotland's long-term economic wellbeing and may produce unintended consequences. It would require very careful consideration and much fuller justification than has been offered hitherto. This is especially so in a context in which, despite caps on student numbers, the sector has responded well to Executive targets, for example on participation rates, and is internationally recognised as providing high-quality learning, teaching and research. At a minimum, it should be a requirement that any newly recognised providers would be subject to the same level of controls as existing providers, so as to ensure fair competition.

The threat to research

18. The threat to this University's research activities, which of course are of great economic significance to Edinburgh and its environs and to Scotland, arise from a variety of factors. The Court is very pleased that the University's suggestion made in response to the earlier consultation, to the effect that the new Council should have a Research Committee, has been acted upon. We remain concerned that there is no provision on the Bill for the Council itself to have any members with knowledge or experience of research. One way of addressing this would be for the chair of the Research Committee to be a member of the Council with this being written into the legislation. However, whilst that is necessary it is not sufficient. There should be at least two members of the Council active – or very recently so – in research at a senior level in higher education, one drawn from the sciences, broadly defined, and one from the humanities.
19. Further elucidation of the Research Committee's role, powers and remit, as well as its anticipated role within the new organisation would also be beneficial. There is also considerable concern that the documentation makes limited reference to (and occasionally – e.g. the short term planning horizons in Section 24 - appears to lack understanding of) universities' missions in relation to basic research and that this may anticipate the future Council's own balance of priorities.
20. A further threat to research is that the consultation document's welcome safeguard [para. 64] that it will remain necessary for an institution to be designated as an HEI in order to receive RAE related quality/volume funding for research, is not accompanied by a corresponding section in the Bill. It is acknowledged that the document states that this will be made clear in 'any memorandum attached to the legislation', but the status of such a memorandum is unclear (see above): delivery of that commitment will need to be carefully monitored.

A possible threat to staff recruitment and retention

21. We seek reassurance that the consultation document's indication [para. 67] that "Scottish Ministers may give guidance to the new body which would require lecturing staff to gain appropriate teaching or professional qualification within a prescribed period of time" will only apply to those institutions currently funded by SFEFC. Extending such a requirement to universities would place Scottish institutions at a very considerable disadvantage with regard to recruitment of leading academic staff from overseas and from elsewhere in the UK where no such qualification is required, and the need for one is not perceived. Such a move would also damage more innovative and entrepreneurial approaches to teaching involving the use of professionals in a number of fields (not least in clinical medicine and nursing) and business people.

Institutional relationships with the merged Council

22. One other general observation that should be made is that the university has found the working relationship it has established with SHEFC to be most valuable. Because of the size of the HE sector in Scotland, and geographic proximity, a close understanding has been achieved at officer level without compromising the integrity of either party, and the University has felt that the Council well understands its particular attributes and characteristics. The position in England, where HEFCE has to relate to many more institutions, appears not to be so advantageous and we believe that Scotland's relative success in winning competitive research funding and achieving higher participation and paper citation rates has been assisted by the close working relationship with SHEFC. It would be to Scotland's considerable disadvantage if the greater size of the sector with which the merged Council will need to deal were in any way to damage this present effective working relationship, and safeguards will need to be found to avoid such an outcome.

Specific Comments on the draft Bill

The Court's comments are set out below. Matters of particular importance are shown in bold.

Section 1 *Duty to secure provision of tertiary education and research*

We find this section particularly problematic. It appears to give Ministers unfettered powers in regard to controlling the activities of institutions of further and higher education. Subsequent sections may appear to restrict those powers, but the overall impact of the various sections taken together is unclear. As drafted, the scope for intrusion on legitimate institutional independence is unacceptable, offering the prospect of directions to institutions as to the subjects they should offer and unnecessarily onerous quality assurance arrangements.

It has been suggested that this section is in fact intended to ensure that there is provision of publicly funded further and higher education in Scotland (there being no such legislative requirement in respect of higher education at present). This may appear welcome, but as indicated above the wording is such as to give serious cause for concern. Moreover, in practice it is far from clear that there is any practical benefit to be gained from imposing such a duty on Ministers. It places no requirement on Ministers adequately to resource provision; the concepts of 'adequate and efficient' are sufficiently subjective as to be of little value; and because no legislation is immutable, this section could not actually prevent implementation of a policy not to make provision for Further and Higher Education, in the admittedly very unlikely event that such a policy were adopted.

Section (1)(b) gives rise to potential serious concerns, depending on the underlying intention. Much of the research undertaken in Scotland, and certainly the large majority in this University, is funded by bodies other than the Scottish Executive, both public and private. It would be totally inappropriate for the law to give Ministers any responsibilities in regard to that research, if that is what is intended; that is wholly a matter for the University and the relevant funding bodies.

We would strongly urge that Section 1 be amended to the effect that Ministers would have the duty to ensure an environment in which independent further and higher education institutions are able to provide effective and efficient further and higher education and to undertake research where this is appropriate to their particular characteristics and mission;

and to make provision for those institutions to be accountable for the use of public funds in pursuit of those objectives.

If, however, it is decided to retain Section 1, then Section 1(2) should be amended to make reference to the other provisions in the Bill which limit Ministers' powers and authority, so as to make clear that their powers are not unconstrained, and the words in Section 12(6)(b) regarding the need to preserve 'any distinctive characteristics' of institutions should also be included in this section in such a way as to more properly define those powers.

Section 2 *Tertiary education*

We see no need to use a single term 'tertiary education' to embrace and replace 'further' and 'higher education'. Those two terms should remain in use, and defined in this section (or previous legislation which defines them should remain operative).

In section 2(6), the need for consultation should be extended to governing bodies of further and higher education institutions.

Section 5 *Funding of the Council: additional grants*

As drafted, this gives rise to considerable concern, as it gives Ministers almost unfettered power to perform what should be the Funding Council's role. The circumstances in which would it be used should be included in the legislation.

Section 6 *Directions to the Council*

The power of Ministers is extended by this provision. The existing (1992) legislation (section 54) allows 'general' direction to be given to SHEFC. The draft Bill allows 'specific or general' direction to be given to the new Council. We do not believe that this extension of ministerial control over higher education can be justified.

Section 9 *Scottish Tertiary Education Funding Council*

We believe that the new body should be called 'The Further and Higher Education Funding Council', for reasons set out above (with consequential amendment throughout).

Section 13 *Funding: requirement to hold meeting*

We believe that this should be amended to indicate that it would only be in exceptional circumstances that the right of attendance at meetings of governing bodies would be exercised and to define those circumstances.

Section 17 *Skills needs*

As drafted, this section gives rise to considerable concern for reasons set out below.

The new Council is "to have regard to skills needs in Scotland" with such needs to be determined in consultations with Scottish Ministers and with a number of advisory bodies. The case that the Executive is better equipped than universities or students to decide what courses to offer in order to meet students' and employers' demands is not made. Workforce planning does not have a good track record, and the University does not believe that the Executive or the Council can accurately forecast employers' demands several years in

advance to anticipate what particular industries will be recruiting heavily when today's applicants graduate.

The University would be very concerned if this provision were used to bear down on the number of 'non-vocational' degree programmes available to students. 'Non-vocational' programmes courses include substantial development of core intellectual and social skills for employability; graduates with non-vocational degrees have good success rates in employment or further study. The University would oppose any increased emphasis on linking funding to the perceived direct vocational relevance of courses or to the delivery of Ministerial priorities. These matters are properly determined by students' informed choice and by institutions identifying those courses of study they choose to offer in the light of their own strategic planning. Broadly based and flexible provision offered by a diverse range of innovative institutions which retain their distinctive educational characteristics is essential to the continued good health of Scottish further and higher education.

This section should be redrafted to address these concerns, and in particular to avoid any implication that 'skill needs in Scotland' is the only factor of this nature to be taken into account in funding provision of further or higher education.

Section 18 *Consultation and collaboration*

It is a matter of concern that there is no requirement in this section to consult bodies that represent the interests of providers, or any class of them [c.f. section 12(5)(b)]. Subsection 3 should be amended accordingly.

Section 20(1) *General powers*

For the avoidance of any doubt, the powers of the Council to do 'anything necessary or expedient' in pursuit of its functions should specifically be restricted by reference to other relevant sections of the Bill (e.g. Section 4) as well as by the sub-sections (2)-(9) of this section.

Section 21 *Specified tertiary education providers*

The term Specified Tertiary Education Providers (with its unfortunate abbreviation) is unhelpful and unnecessary – see comments on Section 2 above.

Section 22 *Specified tertiary education providers: further provision*

The power to designate additional providers is recognised as being necessary in certain circumstances, but is expressed so widely as to cause serious anxieties – see paragraph 17 above. The circumstances in which organisations other than publicly funded providers of further or higher education based in Scotland would be designated should be made explicit in the Bill. There should also be provision in this section for Ministers to have regard to the need to ensure that the regulatory regime for other designated providers is no less onerous than that for existing providers, so as to enable fair competition.

Section 22(2) appears to be permissive ('may' in line 1): surely it should place a mandatory requirement on Ministers to specify conditions for designation as a recognised provider. The consultation document indicates a mandatory approach but this section fails to make provision for it.

Section 22(4) appears to prevent an institution which is merged into another from being deleted from Schedule 2: this is surprising.

Section 23 *Duty to provide tertiary education*

Whilst it is possible that the underlying intention of this section is unobjectionable, as expressed it gives grounds for very serious concern in view of the open-ended, and indeed subjective, nature of the terms 'efficient' and 'suitable range', and particularly so in the context of Section 1(1). Taken together, these sections seem to imply that institutions would become agents of the state in fulfilling ministers' obligations under section 1(1). This would appear to have the effect of turning institutions from independent bodies, properly accountable for the use of public funds provided to them, into Non-Departmental Public Bodies required to do the bidding of government. That would not be an acceptable situation.

In section 23(2), We would very much wish to see a contextual caveat related to the need to take account also the particular educational characteristics of the institution – by strengthening the phrase in parentheses in the first line to this effect, and inclusion of the words 'of the kind offered by the provider' after 'tertiary education' in (a) – or an amendment with equivalent effect.

Section 24 *Development plans*

The need for effective planning in a context of accountability for the use of public funds is not disputed, but the need for such a specific set of requirements is. As drafted, this represents an extension to the requirements of the institutional planning process which increases bureaucracy, will not necessarily be of value to institutions, and which is unlikely to be of value to the Council or the Executive because it is not cognisant of the context and timescales in which new courses emerge and research agendas develop (two years is far too short a timescale on which to undertake strategic planning in higher education).

We would strongly argue that the Bill should be amended by deletion of this section and replacement by a duty for the Funding Council to agree a planning framework, in consultation with institutions or their representative bodies, suitable to its and the institutions' needs, and recognising the range of sources from which institutions secure their income streams.

Section 26 *Merger evaluation*

We take the view that these provisions, and any power actually to force a merger, are unnecessary in the HE sector, which has shown itself to be capable of major re-alignment within the existing legislative framework. Moreover, it strongly believes that mergers driven by institutional initiative and strategic vision are far more likely to be successful than those forced on institutions by external agencies.

If this section is retained, then we would regard it as important that it should require Ministers to take into account the actual cost and the opportunity cost of evaluating mergers before requiring this to be done. This University's experience of merging with Moray House College of Education testifies that those costs are not trivial. The concept of what is 'reasonable' in this context should take account of such costs, and there should be a duty on Ministers and the Council to consult institutions on such matters before exercising the powers which this section would give them. This section should be amended to this effect.

Schedule 1

Para. 3. We are very concerned that there is no requirement for membership of the Council to include persons with knowledge and experience of *higher* education (or indeed of *further*

education): the requirement is simply for knowledge and experience of *tertiary* education. The schedule should be amended to correct this. Similar arguments apply in regard to knowledge and experience of research, although these could at least in part be addressed by ensuring that the convener of the Research Committee is an *ex-officio* member of the Council (see paragraph 18. above, where the argument is also made for two individuals active in different areas of research to be members of the Council from).

Para. 7(2) appears to have the effect of requiring ministerial approval for every individual appointment to the staff of the new Council. It is difficult to see why this detailed degree of control should be necessary, and it is unclear what the practical implications might be for the status of the Council.

The University Court of the University of Edinburgh
July 2004