

**THE MERGER OF THE
SCOTTISH FURTHER EDUCATION FUNDING COUNCIL
AND
THE SCOTTISH HIGHER EDUCATION FUNDING COUNCIL**

The Response of the University of Strathclyde

The University of Strathclyde, with its historic mission of being a 'Place of Useful Learning', rooted in the West of Scotland community, identifies closely with the underlying aim of the Tertiary Education (Funding etc.) (Scotland) Bill. As the first pre-1992 institution to merge with an institution from another sector (Jordanhill) we have no difficulty with the concept of reducing boundaries within Higher and Further Education. Nevertheless, we would question whether the proposals in the Bill will achieve its objectives. The statement in the Executive Summary that there is no intention to interfere in existing governance arrangements is not reflected in detailed draft legislation. Nor is the stated intention to recognise the distinctive 'legal status, character and mission of HEIs and Colleges'. Significant changes will be needed if the worthy intentions of this draft legislation are to be brought into alignment with the reality, without changing the fundamental relationship between government and universities.

The proposal in paragraph 55 of the Consultation Paper to designate all Scottish Universities and Colleges as 'STEPS' as a drafting acronym has been seen as a challenge to the distinctive identity of these institutions. It must be abandoned. The term 'funded bodies' would be acceptable to all concerned and should be substituted for 'STEPS' wherever it occurs in the draft legislation.

By the same token, if the different missions of Universities or Colleges are to be cherished rather than homogenised, section 23 (2) of the Bill must be amended. Strathclyde University has always responded to the need of its local community, from which the overwhelming majority of its undergraduate students are drawn. Nevertheless, it is also an international university with students from 100 countries currently registered, many at postgraduate level. Its non-government funding, for teaching, research, consultancy and services, presently amounts to some £70M out of total revenue of £160M and derives from across the world. The University Court of Strathclyde must ensure that the University satisfies all its stakeholders, not just the West of Scotland community. It is, therefore, simplistic to say in 23 (2) of the Bill that the University Court, in determining what is a suitable range of provision, must simply have regard to

'(a) the provision of tertiary education in the area in which the provider is situated.'

Strathclyde's mission statement (copy attached as Appendix I), which the University Court helped to draft in the context of its latest Strategic Plan, gives a much more subtle and far-reaching definition of the University's priorities, taking account of its multiple roles in teaching, research and service to the international community. The offending phrase should be deleted.

The University Court governs the University's affairs. Its majority of lay members, including many prominent members of Scottish civic society, ensures that the University is properly accountable for its policies and its expenditure. It is a good example of the settled governance arrangements with which, according to the Executive Summary, Ministers do not wish to

interfere. Yet Section 13 of the Bill gives the Funding Council the power to require a meeting of the Court to be held, to be addressed by the Chief Executive of the Council. This is a statutory intervention into what is correctly a structure of autonomous governance. That is precisely the virtue which commends the Court to the able people whose input is invaluable. Whilst it is reasonable for Ministers to insist that the University's Accounting Officer and possibly Convener of Court should make themselves available for any such visit, extending it to the whole governing body treats them as if they were the state-appointed governors of a wholly state funded institution. That will have a deterrent effect upon membership and could impact adversely on the University's capacity to leverage private funding. Members of Court give their time voluntarily and without remuneration and it is not at the Funding Council's disposal. At the very least, the word 'require' must be removed, to be replaced by 'request'. The same change of tone is necessary in respect of the proposed requirement to submit development plans and consider proposals for merger. Persuasion will always work better than compulsion in the delicate relationship between government and autonomous institutions.

There are two particular points we wish to make in respect of research:

- Part I of the Bill is quite simply wrong when it states: 'It is the duty of the Scottish Ministers to ensure the adequate and efficient undertaking of research'. Ministers have no duty or indeed interest in research funding other than what is provided through the Funding Council or by the Scottish Executive. In all other cases, a contract is entered into between an independent body, the University, and whoever is funding the research. It is then the University's responsibility to ensure that the contract is fulfilled and Ministers have no locus standi. Whilst the present Scottish Executive can be trusted not to misuse the power and responsibility given by this opening clause of the Bill, they cannot bind their successors in office. It would be better for the whole clause to be removed.
- Although the new Funding Council will be required to have a Research Committee, there is no requirement for any member of the Council itself to be an active researcher. It is difficult to see how the Council can fulfil its responsibilities for research without a direct involvement from the research community.

If, as we have argued, the proposals fail to recognise the role and authority of University Courts, they go one step further with University Senates by simply ignoring their existence. Under the Charters and Statutes of the pre-1992 Scottish universities, Senates have complete authority over major academic policy matters such as the award of degrees, examinations, research and quality issues. Their position must be reflected in the legislation.

Scotland has every reason to be proud of its Universities. The distinctive features of their mission, funding and governance must be recognised and respected, if their position is to be sustained. It is essential that the draft bill be amended in the areas we have identified if Scotland is at the same time to make the most of its students' potential and retain its international reputation for excellence.

PWAW
July 2004