POLICY NOTE

THE UNIVERSITY OF THE WEST OF SCOTLAND (AMENDMENT OF THE UNIVERSITY OF PAISLEY (SCOTLAND) ORDER OF COUNCIL 1993) ORDER OF COUNCIL 2015

SSI 2015/209

1. The above instrument is made in exercise of the powers conferred upon the Privy Council by sections 45 and 60 of the Further and Higher Education (Scotland) Act 1992. The instrument is subject to negative resolution procedure.

Policy objectives

2. The constitution of the University of the West of Scotland ("the University") is principally contained in a statutory instrument made in 1993 when the University gained its designated status: the University of Paisley (Scotland) Order of Council 1993 (S.I. 1993/558) ("the 1993 Order").

3. Certain provisions of the original 1954 Paisley College of Technology Scheme ("the 1954 Scheme"), which established the institution, also remain relevant. The 1993 Order and the 1954 Scheme were amended by the University of the West of Scotland Order of Council 2007 (S.S.I. 2007/426) to reflect the University's name change from 'the University of Paisley' to 'the University of the West of Scotland'.

4. The 1993 Order and the 1954 Scheme were further amended by the University of the West of Scotland Order of Council 2009 (S.S.I. 2009/194) following its merger with Bell College of Technology in August 2007.

5. The purpose of this instrument is to amend the 1993 Order following a review by the University of its constitutional and governance arrangements against the Scottish Code of Good HE Governance, published in July 2013 ("the Code"). The Code came into force in August 2013 and lists a series of Main Principles and Supporting Guidelines. The review culminated in the University proposing the following amendments to its constitution which are contained in this instrument:

Proposals

Article 6 - Membership

6. Article 6(1)(b)(iii) of the 1993 Order requires between thirteen and seventeen governors to be appointed to reflect "a variety of different interests and experience" and lists the sectors from which experience must be drawn. This provision is considered inflexible given that Main Principle 9 of the Code requires "…a balance of skills and experience among members sufficient to enable the governing body to meet its primary responsibilities and to ensure stakeholder confidence". As such, this instrument substitutes the list of sectors from which experience must be drawn with a reference to a requirement to appoint "…persons reflecting a variety of different interests and experience, having regard to the balance of skills, attributes and experience required to enable the governing body to function effectively".

7. Given that Main Principle 11 of the Code requires "…vacancies in the position of the chair…to be widely publicised both within and outside the Institution", this instrument also amends Article 6(5) of the 1993 Order to require that only deputy chairs should continue to be drawn from among the governors appointed under Article 6(1)(b)(iii) and separate provision should be made for the appointment of a chair in new paragraph (1)(b)(iv) of Article 6. This amendment will allow the chair to be appointed from within or outwith the existing membership of the governing body of the University ("the Court"). As separate provision is made for the chair to be a member of the Court and this may result in appointment from outwith the existing membership, new Article 6(1)(b)(iii) contains a reduced minimum and maximum number of governors appointed under that paragraph (twelve to sixteen). The intention of this amendment is to ensure that the membership of the Court does not exceed the 25 members which is described as "…a benchmark of good practice" in Main Principle 10 of the Code.

Article 7 - Period of office

8. Article 7 of the 1993 Order provides for restrictions on the period of office of governors of the Court other than *ex officio* governors. Article 7(1) restricts the term of office for a governor to a maximum of 4 years. Article 7(2) restricts the maximum aggregate term of office to 12 years meaning a governor can currently serve for three 4 year terms.

9. The Supporting Guidelines to Main Principle 11 of the Code state that "…continuous service beyond three terms of three years, or two terms of four years, is not desirable (although exceptions, such as retention of a particular skills or expertise, may be permitted)."

10. As such, this instrument substitutes Article 7(1) to modernise the language and substitute a new maximum aggregate term of office of 9 years.

Schedule 2 - Senate

11. The 1993 Order provides that, from each faculty, there are to be three members elected by and from the academic staff of the faculty. As a result of reorganisation, the University now has six schools and the faculty structure that previously sat above these schools has been completely removed such that the University has deans, rather than heads, of each school and no deans of faculty.

12. Therefore, this instrument amends the 1993 Order by substituting the words *"from each faculty, three members elected by and from the academic staff of the faculty"* for the words *"from each school, one member elected by and from the academic staff of the school"* in paragraph 1(c)(i) of Schedule 2.

13. The effect of this amendment will be that the number of members of the academic staff elected to the Senate under paragraph 1(c)(i) of Schedule 2 to the 1993 Order will decrease from nine to six, although that number could change depending on future restructuring. The number of academic staff elected to the Senate under the other provisions of the 1993 Order remains unchanged.

14. This instrument also amends paragraphs 1(a) and 4 of Schedule 2 to the 1993 Order to delete reference to "the deans of faculty", substitute reference to "the heads of school" for reference to "the deans of school".

15. Finally, it is proposed to substitute references to "matriculated" throughout the 1993 Order with references to "enrolled" to reflect the language used within the University.

Commencement

16. The Order will come into force on 26 June 2015.

Consultation

17. The Scottish Government consulted the Privy Council, the University of the West of Scotland and the Scottish Further and Higher Education Funding Council during the preparation of this instrument.

Impacts

18. A Regulatory Impact Assessment has not been prepared as this instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Higher Education and Learner Support Division

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