

Higher Education Governance (Scotland) Bill – call for evidence Submission to the Education and Culture Committee

Introduction

The Open University in Scotland appreciates the opportunity to outline its views on the HE Governance Bill as introduced to Parliament in June 2015.

The Open University (OU) believes that robust but inclusive governance is central to its mission of being open to people, places, methods and ideas. The OU's founding principle – widening access to higher education by adopting an open access policy – continues to drive everything the University does. Its model of open, supported learning has given The OU significant reach and as a consequence it is the only Higher Education Institution (HEI) operating across all four nations of the United Kingdom. National offices in each of Scotland, England, Wales and Northern Ireland ensure that The OU's provision is appropriate and helps to deliver on specific priorities in each nation.

Governance arrangements

The OU receives public funding in support of its operations in each nation from the governments of Scotland, Wales and Northern Ireland and from the UK Government, which has responsibility for higher education policy in England. Consequently, The OU's governance arrangements must be and are organised such that they recognise, take account of, and can operate within the increasingly divergent policy environments in existence across the UK.

The Director of The OU in Scotland is the Vice-Chancellor's delegate and is responsible for the delivery of services to students in Scotland. In line with the rest of the Scottish higher education sector, the teaching of OU students resident in Scotland is funded by the Scottish Funding Council (SFC). The OU is accountable to the SFC for this funding.

However, in light of its UK-wide operation, the governments of Scotland, Wales and Northern Ireland agreed that the University is regulated by the Higher Education Council for England (HEFCE); therefore, OU governance arrangements lie in England.

The policy memorandum accompanying the Bill states that The OU is excluded from the definition of HEIs subject to Part 1 of the Bill – the part concerning governance arrangements – on the basis that “it is a single institution established elsewhere and operating across multiple jurisdictions which might otherwise be made subject to conflicting governance requirements.”¹ The University believes that this is a reasonable and proportionate approach to its unique status and is supportive of this provision.

¹ [http://www.scottish.parliament.uk/S4_Bills/Higher%20Education%20Governance%20\(Scotland\)%20Bill/b74s4-introd-pm.pdf](http://www.scottish.parliament.uk/S4_Bills/Higher%20Education%20Governance%20(Scotland)%20Bill/b74s4-introd-pm.pdf)

Specific proposals

The OU notes the submissions made by Universities Scotland, the Committee of Scottish Chairs and by other Scottish HEIs and shares some of the concerns expressed about the Bill in its current form; it may also be worth noting that the University previously submitted a detailed response to the Scottish Government's consultation ahead of the introduction of the Bill.² The OU welcomed the introduction of the Scottish Code of Good Higher Education Governance³ and continues to believe that the Code can and does make an important contribution to governance of the sector.

Academic freedom

The OU was incorporated by Royal Charter in 1969.⁴ Section 21 of the second schedule of the Charter states that:

[A]cademic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.

Part 2 of the Bill serves to add the development and advancement of “new ideas or innovative proposals” to the existing definition of academic freedom. The University believes that this new definition would accord closely with its own definition and is therefore supportive of such a change.

As this definition is largely already in place within the University, The OU does not anticipate any significant changes in terms of practice – teaching, learning or research – or that this change will encourage any new restraints.

Contact

For more information or to discuss any aspect of this submission or The Open University's work in Scotland, please contact Kenny Stewart, Communications and Policy Manager, at kenny.stewart@open.ac.uk or by phoning 0131 549 7961.

² <http://www.open.ac.uk/scotland/sites/www.open.ac.uk.scotland/files/files/ecms/web-content/HE%20Governance%20Consultation%202015%20OU%20reponse%20FINAL.pdf>

³ <http://www.scottishuniversitygovernance.ac.uk/>

⁴ <http://www.open.ac.uk/about/documents/about-university-charter.pdf>