



CAUTION: This email originated from an external source. Do not click links or open attachments unless the sender is known.

\f0a chara

\f0

\f0i write regarding the consultation on the reform of the HEA Act 1971, and in particular the related paper published by the Minister - some specific comments on particular provisions follow (there reference relates to the relevant section of the paper)

\f0

\f05.1.1 governing authority

\f0

\f0- competency frameworks should be developed, as a minimum, for all members of a governing authority; this may be most appropriately co-ordinated by the HEA to ensure consistency across the sector at a minimum level of compliance with best practice, however additional measures should be appropriate for the HEI to include should they wish; all members should be able to refer to this framework when considering their own interest in membership of a GA, and when considering their own performance as a member of GA; it is inappropriate that only some members should have this supportive reference framework

\f0

\f0- student members require specific support, in order to enable them to fully participate in governance-related matters, in particular where their experience may be insufficiently mature in comparison to other members (particularly where this is "structural" or sufficiently consistent so as to be foreseeable and avoidable); this may be most appropriately co-ordinated by the HEA to ensure consistency across the sector at a minimum level of compliance with best practice, however additional measures should be appropriate for the HEI to include should they wish; this should align with the ongoing induction and development activities undertaken at individual HEI level for their own GA members

\f0

\f0- student members can not be reasonably considered as external members; while it may be accepted that student members do not fall into the traditional "internal" category, it is inappropriate and fundamentally dangerous to expect that student members can bring an "external" perspective to the institution that they are studying with, while also being a member of a GA; it would be more appropriate to consider the perspective of student members as a type of internal category, rather than a type of external category; finally, the nature of student members is generally as "ex officio" to their primary responsibilities as an officer of their students union, and this introduces an inherent ineffectiveness and conflict of interest, which is worthy of further consideration (additional commentary on student union structure included elsewhere in the submission)

\f0

\f0- it would be appropriate to provide for a baseline framework for stakeholder engagement within any HEI, particularly given the transitional arrangements that may be required to move from GAs of 40+ representative members, to a more streamlined and effective approach as outlined, given the importance of the work and conduct of the HEI to the state and country, and the

porous nature of their involvement in the local community where they are located; this may be most appropriately co-ordinated by the HEA to ensure consistency across the sector at a minimum level of compliance with best practice, however additional measures should be appropriate for the HEI to include should they wish; this should include, as a minimum, mechanisms / measures for which the HEI should engage with and consult with certain categories of stakeholder (student body, academic body, non-academic body), and this will need to be separate to the union / partnership arrangements regarding HR issues; further strengthening of the minimum standards in this regard, such that the GA can be assured of the nature of stakeholder consultation, is appropriate for consideration

\f0

\f0- i support the move to a shared governance model as outlined; i also support the focus of the GA on corporate governance (including comments made elsewhere in this submission), and enhanced focus on internal governance and accountability

\f0

\f0- i support the move to staggered appointments, with 5 years and further renewals being appropriate, for members of GA, in line with best practice in corporate governance

\f0

\f0- i support the move to maximum terms for particular officers, though would caution against implementation as provided; further consultation is required to avoid situations where senior officers in the state/public sector may be prohibited from continuing in their role due to such provisions just because their work in a HEI, while senior officers in other areas of the state/public sector face no similar prohibitions / limitations / restrictions

\f0

\f05.1.2 academic council

\f0

\f0- the opening paragraph in this section is an unfair and inaccurate representation of the role of a GA : any delegation of functions is not decided actively by the GA, rather it is decided by a previous GA, following a proposal by the chief officer, which may or not have included sufficient consultation with that GA; to give the impression that every GA has currently within its power the reasonable ability to change the delegation of functions to the chief or other officers of management, is simply not true of practice; the legislative reform process should consider with particular significant the impact of practice, as well as the theoretical framework that the paper references; the wording as presented is close to a direct contradiction of the wording in the subsequent section 5.1.3

\f0

\f0- specific reference to consultation with academic council is welcome; reference as outlined to student engagement in insufficiently developed; there should be a coherent structure to inform the development of a mandatory consultation framework with all significant (perhaps prescribed) stakeholders (see also additional comments elsewhere in this submission); perhaps providing for additional Ministerial powers, by way of SI, to instruct GAs to create certain sub-committees, is an appropriate consideration (from time to time), including for example a subcommittee to appropriately monitor and oversee the running of any stakeholder engagements

\f0

\f0- regarding the responsibilities for the AC, this should include a formal reporting requirement to GA, and the appropriate facility for GA to independently assure itself that AC are complying with their responsibilities, and any other duties assigned and functions performed

\f0

\f05.1.4 stakeholder engagement

\f0

\f0- comments have been provided elsewhere in the submission in this regard

\f0

\f0- the role and performance of a students union structure within the HEI should be considered, particularly regarding any potential conflict of interest that a students union representative may declare (and resultant exclusion from influence on decision-making); in the first instance, all HEIs should strive to facilitate, support, and develop such a structure; additionally, the mechanism through which this structure interacts with other student-representative structures within a HEI should be considered; in particular, the ability for individual students to participate in consultative frameworks, up to and including membership of GA and AC, and outside of students union structures, should be considered further (for example - in practice, the effective engagement of students in various processes places an obligation on students unions, often in the absence of alternative student representative structures, to be effective in their own mechanisms and internal governance); as outlined, this would place a significant risk on the agendas of all GAs, who would again be limited by primary legislation in the approach they could take to resolving the issue; in contrast, workers unions do not enjoy the same un-checked access to the boards of their respective state/public agencies

