



continues to refuse attempts for discussions to take place regarding the vital reconfiguration of the sector within the region, despite the very clear intention of the Assembly Government and HEFCW that this is an essential part of reforming the sector.

There are some changes which could be made to ensure that nationally determined priorities are (within the context of the right of institutions to determine their own missions) implemented on the ground. For example, we would urge that consideration be given to extending the scope of the Children and Families Measure so that Further and Higher Education institutions are directly required to produce and to report on the action they are taking to tackle child poverty. This would ensure institutions are reporting on and accountable for a key national priority – delivering social justice – but are allowed to do so within the context of working to their own institutional missions.

***Q2. How well are institutional governors empowered and supported in carrying out functions such as overseeing strategic direction, scrutinizing executive decision making and assuring probity?***

At the heart of our concerns in relation to the scrutiny of executive decision making and assuring probity within the sector is the quality of governance. This is particularly important given the growing complexity of the sector and requiring detailed scrutiny on the part of governors.

It is our experience that governors, including staff and student governors are not provided with sufficient support to perform their duties effectively. We have serious concerns as to whether governors have sufficient scope to determine which issues come before them and whether they are sufficiently informed about the realities of the institution. This is leading to a failure to deliver genuine accountability, scrutiny and transparency for the use of public funds and for the decisions taken by management. The lines between management and governance are increasingly confused and misunderstood, leading to a failure of strategic leadership and accountability at institutional level. Given the current financial climate, an obvious concern for all unions is that governing bodies will not be sufficiently informed and robust in challenging redundancy proposals from management.

Our concerns are best illustrated by our experience at Glyndwr University. Such are the problems facing the institution, ranging from a breakdown in effective industrial relations, long-standing problems of bullying and harassment in parts of the institution, and a clear breakdown between the highest level of management and senior governors that it represents in our view the clearest case of governance failure in the current Welsh university sector. In response to these problems we can see little evidence that the Board of Governors is exercising their responsibility to hold the executive to account.

This is evidenced in particular by the failure to discuss and to act on the findings of a critical ACAS report (attached to this submission) on the problems of bullying and harassment at the university. Furthermore the Board of Governors has consistently failed to effectively scrutinise the reasons for the resignations of senior management at the institution and the reasons for the breakdown in the relationship between the Vice-

Chancellor and senior members of the Board of Governors. In respect of the latter this involved the resignation of two chairs of the Board.

The effect of this failure to address key concerns over bullying and harassment has been the breakdown of industrial relations at the institution. As a trade union we have dealt with cases of academic staff resigning due to a lack of confidence that problems of bullying and harassment will be dealt with appropriately and effectively. We would have expected these concerns – which have been communicated and discussed with senior management – would have been the subject of considerable discussion by the Board of Governors. There is however no evidence that this has been the case.

**Q3. How well do current systems of governor recruitment ensure the involvement and engagement of relevant internal and external stakeholders?**

It is our very clear view that across the sector current systems of governor recruitment fail to ensure the involvement or relevant internal and external stakeholders. Crucially there is a lack of transparency in how governors are recruited and no criteria against which the suitability of potential governors should be judged.

We believe the following specific changes are required:

- a. All institutions to guarantee places for student and staff representatives (with places each for academic and support staff) on Council and Board of Governors. There should be a minimum of two places for academic staff in order to ensure that both teaching and research staff are represented and a reserved place for academic-related staff in pre-92 institutions. These places should be directly elected on a two-year cycle;
- b. An end to two tier governance, with staff and student reps no longer excluded from taking part in specific decision-making processes or from specific committees;
- c. All appointments to either council or Boards of Governors to be made in accordance with the Commissioner for Public Appointments Code of Practice. This should be a requirement of funding and should be set out in the ministerial remit letter to HEFCW. All vacancies should be publicly advertised in order to generate the widest possible range of applicants;
- d. Clear criteria should be established – and used by all institutions – to ensure that members recruited onto governing bodies are done so according to the qualifications and benefit they can bring to the good governance of their institution. A clear skill set against which members of governing bodies can be assessed should be developed. This would build on recommendation ten made in the Stakeholder Review of FE Governance Arrangements.<sup>1</sup>
- e. The principle of academic staff primacy over academic matters should be re-established in all institutions. Principally this should be achieved by restoring the

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<sup>1</sup> Responsibility and Responsiveness – Stakeholder Review of FE Governance Arrangements, Welsh Assembly Government, May 2010

role of Senate and Academic Boards as the primary decision making body for academic decisions;

- f. The review should recognise the importance of collegiality to the effective functioning of the core mission of universities. This should build on the enhanced role for Senate by enshrining at departmental level the primacy of bodies such as Boards of Studies in determining the teaching programme offered to students.

We also have some considerable concerns regarding the gender and BAME composition of the principle governing bodies. Desk research we conducted in preparation for this review revealed that less than a third of the members of Councils and Boards of Governors are women. We would urge the review group to carry out more extensive research into both the gender and BAME composition of institutional governance and consider how recruitment procedures could be improved to ensure that they better reflect the make-up of the communities they serve.

#### **Q4. What role should governors have in overseeing, and supporting institutional commitment to collaboration and regional planning?**

The role of governors in driving forward institutional collaboration and regional planning – and ultimately reconfiguration – is vital. It is our experience that currently governors and the governing bodies are not incentivised to act in the wider educational interest of the communities they serve.

To address this, the review should recommend to amending the Articles and Instruments to require governors to consider the wider educational needs of local communities and, specifically, how collaboration with other educational institutions and other partners could facilitate this. Consideration should also be given to making a recommendation to either ask or to compel institutions to have a senior member of a local Further Education Institution or neighbouring HEI to be a member of their governing body or relevant committee. This would help to embed a culture of collaboration and partnership.

#### **Q5. What arrangements currently exist for governance of collaboration, partnership and regional planning – including partnership arrangements with other HE providers such as FE colleges?**

It is unclear to us what arrangements currently exist to ensure the effective governance of the variety of collaborative arrangements being developed in Wales. Given that the nature of the partnerships and collaboration will differ in scope and type there may not be one single model which would be applicable. However, there are certain key principles which should be adhered to across all different models, including clarity of who is the Chief Accounting Officer in order to ensure effective accountability and guarantees on the engagement and involvement of staff and students.

It will also be important for the review to work closely with the review of FE governance currently being undertaken by Rob Humphreys on behalf of the Assembly Government.

**Q6. Can you provide exemplars of good practice or good governance structures which would be valuable to consider and share?**

Our experience of governance within the sector means we are not able to offer exemplars of best practice or good governance structures for the review to consider. We have however sought to highlight some of our concerns regarding governance within the sector.

Thank you for the opportunity to respond to the consultation.

Best wishes,

Yours sincerely,

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Wales Official