

POLICY NOTE

The University of the West of Scotland Order of Council 2019 (S.S.I 212)

The above instrument was made in exercise of the powers conferred upon the Lords of Her Majesty's Most Honourable Privy Council by sections 45 and 60(3) of the Further and Higher Education (Scotland) Act 1992 ("the 1992 Act"). The instrument is subject to negative resolution procedure.

Purpose of the instrument

This instrument sets out the governance arrangements for the University of the West of Scotland.

Policy Objectives

1. The University of the West of Scotland ("the University"), formerly the University of Paisley and Paisley College of Technology, is a higher education institution designated under section 44 of the 1992 Act and has its governance arrangements set out in an Order of Council made by the Privy Council, the University of Paisley (Scotland) Order of Council 1993 ("the 1993 Order"). That Order was amended by the University of the West of Scotland Orders of Council 2007 and 2009 and the University of the West of Scotland (Amendment of the University of Paisley (Scotland) Order of Council 1993) Order of Council 2015, all of which are revoked. This Order sets out new provision for the governance arrangements of the University. This includes provision for the composition of the Court and Senate, which are required to comply with the requirements of the Higher Education Governance (Scotland) Act 2016 ("the 2016 Act")¹.

2. In light of the number of changes that were to be made and the number of previous amending orders, it was decided that it would be preferable to make a new order rather than amending the 1993 Order. Having all the provisions in the one order makes it more accessible for the reader and has the advantage of reflecting the name of the University, which was changed in 2009 from the University of Paisley to the University of the West of Scotland.

Proposals

Part 1 - Citation, commencement and interpretation

3. Article 2 of the Order sets out definitions of certain terms used in the Order, including a definition of the "Court", which is the governing body of the University.

Part 2 – The University

4. Article 3 makes provision relating to the name of the University and narrates previous name changes. Article 4 sets out the objects of the University which are to provide education, to undertake and carry out research and to promote teaching, scholarship research and innovation.

Part 3 – The Court

5. Article 5 provides that the Court has the powers to conduct the affairs of the University and promote its objects, and in particular the powers that are set out in schedule 1. Article 6 provides a general power for the Court to delegate its powers, functions and duties but sets out the matters that may not be delegated.

¹ Chapter 1 of Part 1 of the 2016 Act (sections 10 to 14) makes provision in relation to the composition of the governing body of a higher education institution and the appointment of the senior lay member who is its chair (sections 1 to 9); Chapter 2 of Part 1 of the 2016 Act (section 15 to 17) makes provision in relation to the composition of the academic board. The 2016 Act can be accessed at <http://www.legislation.gov.uk/asp/2016/15/contents>.

6. Article 7 makes provision for the composition of the Court which requires to comply with Chapter 1 of Part 1 of the 2016 Act.² The members include the Chair of Court, who is appointed to the position of senior lay member under section 8 of the 2016 Act; the Principal; Deputy Principal; two elected staff members; two members nominated by a trade union (one from the academic staff and one from the support staff); two members nominated by the students' association; one member nominated by the Senate; and 11 to 15 lay members.

7. Article 8 provides that the Chair is to be appointed by the Court in accordance with sections 3 to 8 of the 2016 Act and an appointment process prescribed by the Court. The Court prescribes the duties, responsibilities and terms and conditions of the Chair, including remuneration and allowances. Under article 9, the Court is to make rules for the appointment of the Vice-Chair from among the lay members. The Vice-Chair presides at meetings of the Court and exercises the functions of the Chair of Court if the Chair is absent or the position is vacant. When both the Chair of Court and Vice-Chair are absent, the Court may appoint a chair from among the lay members.

8. Article 10 provides that the Court is to make rules for the election of members elected by the staff and for the nomination of members nominated by the trade union, students' association and Senate.

9. Article 11 provides that the Court is to make rules for the period of office for the different categories of member, including eligibility for reappointment and maximum term of office. Article 12 provides that the Court may make rules for the resignation and removal of members from office in accordance with section 13 of the 2016 Act, which provides that rules must include grounds of removal and availability of review of a decision to remove. The Court may also make rules under article 13 for managing conflicts of interest of its members.

Part 4 - Chancellor and Principal

10. Article 14 provides that the Court is to appoint a Chancellor who is the titular head of the University and has the function of conferring degrees, diplomas, and other distinctions. Article 15 provides that the University Court is to appoint a Principal and Vice-Chancellor as the chief academic and administrative officer of the University. The Principal carries out functions relating to the organisation, management and discipline of the University in accordance with arrangements made by the Court but is still subject to the Court's general control and direction. In the absence of the Chancellor, the Principal or a deputy appointed by the Principal is to carry out the functions of the Chancellor. In the absence of both, the Principal may nominate a person to carry out the functions of the Chancellor.

Part 5 - The Senate

11. Article 16 provides that the Court is to appoint and maintain a Senate constituted and appointed in accordance with the 2016 Act.³ The Court is to make the rules for the period of office and eligibility for reappointment of members of the Senate. The Principal is the Chair of the Senate. Article 17 provides for the Court to delegate to the Senate functions relating to the planning, co-ordination, development and supervision of the academic work of the University and other functions, all subject to the general control and direction of the Court. Article 18 provides that Senate proceedings will be regulated by rules made by the Senate and approved by the Court which must provide for a minimum

² Section 10 of the 2016 Act provides that the governing body of a higher education institution is to be composed of an elected senior lay member, two elected staff members, two members nominated by a trade union with a connection to the University (one from the academic staff and one from the support staff) and two student members nominated by the students' association.

³ Section 15 of the 2016 Act provides that the academic board is to be composed of: the principal; the heads of school; elected staff members who are to make up more than 50% of the total membership; elected students members who are to make up at least 10% of the total membership; and such others as are appointed by virtue of an enactment or in accordance with the institution's governing document or decision of the governing body.

number of Senate meetings each year and the appointment of a Vice-Chair and may provide for Senate appointed committees and other matters connected with the functions of the Senate.

Part 6 - Miscellaneous

12. Article 19 makes provisions for the transitional arrangements of the existing chair and student members of the Court, who are to be regarded as if appointed to the Court in accordance with this Order. Article 20 introduces schedule 2 which sets out amendments to the Paisley College of Technology Scheme 1954 and provides for revocations of earlier Orders of Council.

Commencement

13. The Order will come into force on 1 October 2019.

Consultation

14. The Scottish Government consulted the Privy Council Office, University of the West of Scotland and the Scottish Funding Council during the preparation of this instrument.

Impacts

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