



Higher Education Governance (Scotland) Bill

Bill Number:	SP Bill 74
Introduced on:	16 June 2015
Introduced by:	Angela Constance MSP (Government Bill)
Passed:	8 March 2016
Royal Assent:	13 April 2016

Passage of the Bill

The [Higher Education Governance \(Scotland\) Bill](#) was introduced in the Parliament on 16 June 2015.

The Education and Culture Committee was designated as lead committee for parliamentary consideration of the Bill. Its stage 1 report was published on 17 December 2015. The stage 1 debate then took place on 14 January 2016. The general principals of the bill were agreed to following the stage 1 debate.

Stage 2 consideration of the Bill was carried out by the Committee during February 2016.

The Bill was passed on 8 March 2016 following the stage 3 parliamentary debate. The Bill became the Higher Education Governance (Scotland) Act 2016 following Royal Assent on ~~XXX~~ 2016 (asp ~~XX~~).

Purpose and objectives of the Bill

The Bill as introduced sought to modernise the framework of higher education governance to make it more inclusive and accountable. To this end, the main proposals in the Bill at introduction focused on:

- The process to be used to appoint the chair of the governing body of a higher education institution (HEI).
- Setting out minimum levels of representation on the governing body of a HEI from among specific groups of stakeholders.
- Establishing processes to be followed for nomination and / or election of specific members of the governing body of a HEI.

- Setting out levels of payment of remuneration to be available to the chair of the governing body of a HEI.
- Setting out a maximum size of membership of the academic board of a HEI, as well as the composition and process of election of academic board members.
- Revising the definition of academic freedom to be applied to research active staff working in HEIs in Scotland.

Parliamentary consideration

A SPICe briefing: [Higher Education Governance \(Scotland\) Bill](#) was published in September 2015. The briefing discussed the background to the Bill and gave an overview of the main provisions at introduction.

In its stage 1 report, the Committee pointed out that, while the Bill contained relatively few provisions, it had: “generated a considerable amount of comment and criticism.” Given this, the Committee’s stage 1 report offered conditional support for the Bill’s general principles, while asking the Scottish Government to give further consideration to several issues.

There were a number of amendments agreed to at stage 2. These included some that focused on removing the range of regulation making powers that had been included in the Bill at introduction. Information on the main development of the Bill through stage 1 and stage 2 are set out in the SPICe briefing [Higher Education Governance \(Scotland\) Bill – Stage 3](#).

Many of the amendments at stage 3 were relatively minor or consequential, with some following on from amendments agreed to at stage 2. The amendments agreed to include adding a requirement for the senior lay member of the governing body to be someone that is available to participate in the activities of the governing body of the HEI. A provision was added that means HEIs will be required to produce a report when a new senior lay member is elected. The report is to include information on the number of people that applied for the role, the characteristics of applicants, those interviewed and those that stand for election (if they agree to share this information).

Other relevant amendments at stage 3 included the removal of provisions added at stage 2 on the resignation or removal of the senior lay member and ordinary members of the governing body. These were replaced by provisions offering a “lighter touch” approach to how HEIs manage the resignation or removal of members of the governing body.

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