



Brief for the stage 3 debate on HE Governance (Scotland) Bill on Tuesday 8 March 2016

At stage 3 our primary concern with the Bill is to ensure that the Bill, as passed, represents a workable model of governance for Scotland's 18 high-performing higher education institutions.

We offer this brief without prejudice to our members' strong view that the Scottish Government's model for elected Chairs will not improve the diversity and effectiveness of university governance.

Our priorities are:

- 1. To ensure clarity between the two most senior roles in HE governance.**
- 2. To allow Ministers the potential to use discretion to grant exemptions where higher education institutions cannot adhere to the one-size-fits-all approach taken in the Bill.**
- 3. To retain a robust and inclusive selection process for the Senior Lay Governor.**
- 4. To ensure that amendments on issues that have not been subject to consultation with stakeholders, are not be passed at stage 3.**
- 5. To avoid highly prescriptive and unnecessary provisions in law.**

1. To ensure clarity between the two most senior roles in HE governance.

The role of rector (where it exists in 5 institutions) and senior lay governor are the two most senior roles in HE governance. At present there are clear divisions between the roles in terms of their appointment and their responsibilities. The Bill creates duplication and overlap between the two roles which reduces clarity and runs counter to good governance.

Chic Brodie's amendments [numbers 27, 28, 31] are important as they are grounded in an understanding of the need for separation between these two roles. They also recognise the need for the governing body to choose and have confidence in the person chairing its normal business. Mr Brodie's amendments create a chance for proper parliamentary debate and scrutiny of this important issue.

An election of the Chair by any franchise other than that of the governing body dilutes the governing body's ability to hold the Chair to account in the general operation of governance.

Please support amendment 1 in the name of Liz Smith.

Please support amendment 19 in the name of Liam McArthur.

- 2. To allow Ministers the potential to use discretion to grant exemptions where higher education institutions cannot adhere to the one-size-fits-all approach taken in the Bill.**

This is most likely to occur with the small, specialists institutions of the Royal Conservatoire, Glasgow School of Art and SRUC. However, it may also apply to other institutions on occasion.

The Cabinet Secretary introduced this Bill saying she wanted an element of future proofing". We are asking for your support for an exemption amendment that would give the HE sector some degree of "future proofing" against finding themselves in contravention of the law they are unable to work to. Any exemption would still need to go through Ministers on a case-by-case basis.

All universities, regardless of size or structure, adhere to the principles of transparency, accountability and inclusiveness. However, the level of prescription in this Bill and the desire to achieve 'consistency' in governance without consideration of differences across the sector will make it challenging for all institutions to adhere to in every circumstance.

Please support amendment 25 in the name of Liam McArthur.

- 3. A robust selection process must be retained for the role of Senior lay Governor**

To ensure that only strong, well-qualified and appropriately-experienced candidates go through to election for the important and demanding role of Chair. The Bill should not undermine the nominations committee's role to discern between applicants. Nominations Committees include staff and students so they already have a role in this assessment.

We understand, and share, the desire to encourage a wide pool of applicants. However, universities must be left with some protection against the prospect of candidates who may see this role as a means to pursue single-issues or their own agendas. Staff and student members of the nominations committee would have a role in judgements of this kind if the Bill left the nominations committee empowered in this way.

The staff and student members on the nominations committee should continue to be drawn from the staff and student members of the governing body.

Please support amendments 2, 3 & 4 in the name of Liz Smith.

4. Amendments on issues that have not been subject to consultation with stakeholders should not be passed at stage 3.

We think amendment 49 goes beyond the scope of the Bill. It has not been subject to consultation with other stakeholders at any point. Remuneration committees consider a range of things in determining senior pay. Without comment on the specific suggestions in amendment 49, there are additional matters for a remuneration committee to consider that should also be given chance to become statute, *if* Parliament was to consider legislating in this area. There has been no consultation or consideration of wider factors. **Please vote against amendment 49.**

Similarly, amendment 48 may be beyond the powers of the Scottish Parliament and has not been subject to consultation. Of course universities support gender equality. There is already a commitment in place to reach 40:40:20 gender balance amongst the independent members of the governing body. We are very pleased with the recent progress made in this area which will see 50% of the Chair roles held by women in late summer 2016. However, universities could not meet gender quotas for the whole membership without enforcing restrictions on the election process and/or outcome for the role of Chair and roles held by staff and student members. This would not be appropriate. **Please vote against amendment 48.**

A review of the Scottish Code of Good HE Governance has always been scheduled for 2016. This is the opportunity to consider the issues raised under amendments 48 and 49. More detail about the Code review can be found at the end of this brief.

6. Highly prescriptive and unnecessary provisions in law should be avoided.

The Bill, as drafted at stage 2, goes into an inordinate amount of detail about how the job advertisement for a senior lay member should be written and where it should be placed. This level of bureaucracy is unnecessary. Universities already advertise externally, in the press, for the role of senior lay member and do not need to be instructed how to do so.

The highly detailed requirements specified at section A4 of the Bill are likely to detract from the professionalism of the advertisement and could deter candidates.

The Bill also makes unnecessary specifications about remuneration and/or allowances for the person holding the role of senior lay member. It is unnecessary to legislate on this because this is already possible under the Code of Good HE Governance.

Please vote to support amendment 12* & 13 on the job advertisement in the name of Liam McArthur,

If Mr McArthur's amendments fail please vote to support amendment 36 in the name of Gordon MacDonald and/or amendment 37 in the name of Chic Brodie.

Please vote to support amendment 9 about remuneration and allowances for the senior lay member in the name of Liz Smith.

Universities are committed to continuous enhancement of their governance

Good governance in higher education has continuously evolved before the introduction of the Bill and will continue to do so after the Bill has been passed.

When the Code of Good HE Governance was launched in summer of 2013, a commitment was made to return to it after three years to review progress and ensure it continued to represent best practice. This commitment was given in recognition that good governance is a living thing and needs to continuously evolve.

The review is due in 2016 and has been on pause until the Bill is completed. It is expected to begin shortly after the Higher Education Governance (Scotland) Bill is passed. The Code review will be an inclusive process.

ENDS

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Stage 3 of the HE Governance (Scotland) Bill.

This briefing sheet follows the order of amendments in the Marshalled List of Amendments

No	Section of the Bill	Amendment relates to	In the name of:		We ask you to:	Explanation & evidence
27	Section A1	Position of senior lay member	Chic Brodie	In section A1, page 1, line 11, at beginning insert <Except where there is a rector with the functions referred to in section A2(1),>	No recommendation	While Chic Brodie's amendments do not represent a policy that university leaders have taken a view on, we strongly support Mr Brodie's work through these amendments to ensure that Parliament debates the need for the business of the governing body to be chaired by people in whom the governing body has full confidence. This applies to amendment #27-29, 30-31.
28	Section A1	Position of senior lay member	Chic Brodie	In section A1, page 1, line 14, after <body> insert <when issues of policy affecting the institution are being considered>	No recommendation	
29	Section A1	Position of senior lay member	Chic Brodie	In section A1, page 1, line 15, after <meetings> insert <in relation to such matters>	No recommendation	
1	Section A1	Position of senior lay member	Liz Smith, supported by Liam McArthur	In section A1, page 1, leave out lines 18 and 19 and insert <subject to such functions of the senior lay members as are provided for by virtue of any enactment or in accordance with the governing document of the institution.>	SUPPORT	This amendment is intended to make clear that the list of duties set out in A1(2) is not an exhaustive list of functions to be performed by the senior lay member, who may also have other functions to perform under other general statutes and in accordance with specific provisions in the diverse range of governance instruments of different HEIs. It

						also removes A1(2)(c(ii), because the responsibility currently described in that provision belongs to the governing body corporately, not to its individual chair/senior lay member.
30	Section A1	Position of senior lay member	Chic Brodie	In section A1, page 1, line 23, after <are> insert <subject to section (Co-chair of governing body). (5) Subsection (3) is>	No recommendation	
31	Section A2	Interaction with the role of Rector	Chic Brodie	In section A2, page 2, line 6, leave out from beginning to second <to> in line 7 and insert <The rector has the functions described in section A1(2) in relation to the governing body of>	No recommendation	
32	Section A3	Relevant criteria	Chic Brodie	In section A3, page 2, line 15, after <committee> insert <appointed by it>	SUPPORT	
2	Section A3	Relevant criteria	Liz Smith	In section A3, page 2, line 18, at end insert— <having regard to any principles which appear to the Scottish Further and Higher Education Funding Council to constitute good practice in relation to higher education institutions in accordance with section 9A	SUPPORT	This places the responsibility for detailed definition of the role of the ‘nominations committess’ where it should be which is as part of the review of the Scottish Code of Good HE Governance. That Code review is due in 2016 which is three years after it was launched.

				of the Further and Higher Education (Scotland) Act 2005.>		
33	Section A3	Relevant criteria	Chic Brodie	In section A3, page 2, line 19, after first <the> insert <availability,>	SUPPORT	
34	Section A3	Relevant criteria	Chic Brodie	In section A3, page 2, line 25, at end insert— <() The committee is to consist of no more than 6 members.>	REJECT	This amendment has not been subject to consultation with stakeholders. The size of nomination committees varies across the sector but the average size is greater than 6 members. We are unclear as to the value of reducing the number of members.
35	Section A3	Relevant criteria	Clare Adamson	In section A3, page 2, line 25, at end insert— <() Each time the process for filling the position is undertaken, the committee must make publically available a report indicating by way of overview (and without disclosing individual identities or confidential information)— (a) the number of applicants for the position,	No recommendation	This amendment would be consistent with the equality and diversity monitoring that universities do for all staff and students as part of their commitment to equality and compliance with the Equality Duty. We state no recommendation only because we have not had the chance to discuss this with our membership.

				<p>(b) so far as consent to disclosure has been received by the committee from the applicants, the characteristics listed in section 149(7) of the Equality Act 2010 with respect to—</p> <p>(i) the applicants,</p> <p>(ii) the applicants invited to an interview for the position,</p> <p>(iii) the applicants entitled to stand as candidates in an election for the position following such an interview.></p>		
3	Section A3	Relevant criteria	Liz Smith	In section A3, page 2, line 28, leave out <of the institution> and insert <members of the governing body>	SUPPORT	This amendment, and amendment 4, make it clear that the staff and student members of the nominations committee should also be members of the governing body.
4	Section A3	Relevant criteria	Liz Smith	In section A3, page 2, line 29, leave out <students of the institution> and insert <student members of the governing body>	SUPPORT	As above.
11	Section A3	Relevant criteria	Angela Constance	In section A3, page 2, line 30, leave out <make provision for> and insert <contain provision about>	SUPPORT	This is a stylistic improvement on the original.

36	Section A4	Advertisement & application	Gordon MacDonald	In section A4, page 2, line 35, leave out from <by> to end of line 38 and insert <widely by the governing body, in a manner suitable for bringing the vacancy to the attention of a broad range of persons.>	SUPPORT but amendment 12* & 13 preferred	This amendment would simplify what are currently very prescriptive requirements for placing an advertisement for the role of senior lay member. The amendment retains the principle that we support – which is that the role should be made known to a wide pool of potential applicants – but without the unnecessary direction of how to achieve this.
12*	Section A4	Advertisement & application	Liam McArthur	In section A4, page 2, line 36, leave out from <including> to end of line 38 and insert <as the governing body sees fit, having regard to principles which appear to the Scottish Further and Higher Education Funding Council to constitute good practice in relation to higher education institutions in accordance with section 9A of the Further and Higher Education (Scotland) Act 2005.>	SUPPORT	<p>This is our preferred way to handle the advertisement and application of the senior lay member.</p> <p>It removes the highly directive approach taken in the Bill but retains the core intent of this section, which is that the advertisement and application process complies with good governance principles of transparency and inclusiveness.</p> <p>It would give the Funding Council a role in determining the good governance of this process. This is more appropriate than placing what is a very operational matter in universities into the hands of Ministers.</p>
37	Section A4	Advertisement & application	Chic Brodie	In section A4, page 2, line 37, at end insert—	No recommendation	We think amendments 12, 13* and 36 (in order of preference) provide for a better framework for universities to work to advertising for the role of senior lay member

				<() through appropriate media outlets considered to be particularly relevant to students and staff of the institution, and>		
13	Section A4	Advertisement & application	Liam McArthur	In section A4, page 3, leave out lines 6 to 12	SUPPORT This is a necessary complement to amendment 12*	This amendment would simplify what are currently very prescriptive requirements for placing an advertisement for the role of senior lay member.
38	Section A4	Advertisement & application	Chic Brodie	In section A4, page 3, leave out line 8	SUPPORT IF amendment 12*, 13 or 36 not passed	This amendment would simplify what are currently very prescriptive requirements for placing an advertisement for the role of senior lay member.
14	Section A4	Advertisement & application	Angela Constance	In section A4, page 3, line 9, leave out <what> and insert <that>	SUPPORT	This reduces over-specification in the advertisement.
15	Section A4	Advertisement & application	Angela Constance	In section A4, page 3, line 11, leave out <what> and insert <that>	SUPPORT	This reduces over-specification in the advertisement.

16	Section A5	Interview of certain applicants	Liam McArthur	In section A5, page 3, line 20, leave <applicant must> and insert <application will be considered further by the committee in terms of how well the applicant meets the relevant criteria, together with other additional relevant information contained in the application and, having considered all of the applications made in accordance with subsection (1)(a), the committee will produce a shortlist of candidates to>	SUPPORT	<p>This amendment is intended to introduce a proper ‘sift’ of candidates along the lines envisaged in the Von Prondzynski Review, replacing the Scottish Government amendment with a section requiring the committee referred to in A3(1) to consider how fully each application meets the criteria for the role, and to decide on that basis who should be invited to interview as a potential candidate for election and who should be a candidate for election.</p> <p>If nominations committees are not allowed to discern between candidates this Bill risks weakening the quality and professionalism of those holding the important role of Chair.</p> <p>It also leaves universities vulnerable to single-issue candidates and those with their own agenda for running for Chair rather than the strategic interests of the institution.</p>
17	Section A5	Interview of certain applicants	Liam McArthur	In section A5, page 3, line 21, leave out from beginning to <is> in line 22 and insert — <() At such interviews the committee is to assess— (a) how well each of the shortlisted applicants performs at interview, (b) the overall suitability of the applicants to hold the position. 4	SUPPORT	Same as notes for amendment 16.

				() Having completed interviews of all applicants, the committee is to produce a list of those applicants who are>		
18	Section A6	When election to be convened	Angela Constance	In section A6, page 3, line 29, leave out <convened> and insert <arranged by the governing body>	SUPPORT	Stylistic change.
5	Section A6	When election to be convened	Liz Smith supported by Liam McArthur	In section 6, page 3, line 29, leave out <convened> and insert <held>	SUPPORT	Stylistic change.
6	Section A6	When election to be convened	Liz Smith supported by Liam McArthur	In section 6, page 3, line 29, leave out <more than> and insert <at least>	SUPPORT	To enable an election to occur in the foreseeable circumstance where there is only one credible candidate to put to election.
7	Section A6	When election to be convened	Liz Smith supported by Liam McArthur	In section A6, page 3, line 32, leave out subsection (2)	SUPPORT	As drafted, the Bill leaves universities in the indefinite and unstable position of having no Chair in the event that there are not two or more candidates to contest an election.

8	Section A6	When election to be convened	Liz Smith supported by Liam McArthur	In section A6, page 4, line 1, leave out from <is> to <the> in line 2 and insert <may make such rules as it sees fit concerning the procedures and conduct of an election for the position of senior lay member, including rules about the institution's contribution to expenses that are incurred by any>	SUPPORT	These amendments are intended to replace existing provisions with a section requiring an election to be held to select which of the candidate(s) for election identified through the previous section should be chosen as 'senior lay member'. The amendments remove the requirement that multiple candidates are required for an election to be held or an appointment to be made. They also make clear that the governing body is responsible for running the election and can make rules about its conduct.
39	Section A7	Election with franchise & result	Chic Brodie	In section A7, page 4, line 10, leave out subsections (2) to (5) and insert— <() An election under section A6 is to be conducted on the basis of a single transferable vote system, to be specified by the governing body of the institution after consulting the Electoral Reform Society.>	No recommendation	
19	Section A7	Election with franchise & result	Liam McArthur	In section A7, page 4, line 11, leave out subsections (3) to (5) and insert— <() A vote under subsection (1) is a vote by a person with membership of a body listed in paragraph (a), (b) or (c) of	SUPPORT	The staff, student and governing body electorates will each elect member(s) of an electoral college. HEIs will be able to make their own rules for the operation of the system, but it is intended to allow for a candidate for the role of senior lay member of the governing body to be elected by an

				<p>subsection (1) to elect a person or persons to vote on behalf of that body in an election under section A6 for the position of senior lay member of the governing body of a higher education institution.</p> <p>() Rules for the operation of the election and qualification for membership of the bodies listed in paragraphs (a), (b) and (c) of subsection (1) are to be made by the governing body of the institution.></p>		<p>‘electoral college’ that balances the votes of students, staff and governing body members.</p> <p>Rules made by HEIs will also provide for what happens in the event of a tie.</p>
20	Section A9	Remuneration & conditions	Angela Constance	In section A9, page 4, line 28, leave out <reasonable remuneration and allowances to the person> and insert <such remuneration and allowances to the person as the governing body considers to be reasonable>	SUPPORT but amendment 9 is preferred	This gives the governing body the responsibility to decide what remuneration and/or allowances are ‘reasonable’.
21	Section A9	Remuneration & conditions	Angela Constance	In section A9, page 4, line 30, leave out <that capacity> and insert <the capacity as senior lay member>	SUPPORT	This is a minor technical change.
9	Section A9	Remuneration & conditions	Liz Smith supported by Liam McArthur	<p>Leave out section A9 and insert—</p> <p><Payment of remuneration and allowances to senior lay member</p> <p>(1) The governing body of a higher education institution</p>	SUPPORT	This amendment requires decisions about remuneration of chairs to be made in accordance with current and evolving best practice set out in the higher education governance Code, based on the need for remuneration or allowances to enable

				<p>may make such arrangements for the institution to pay remuneration or allowances to the senior lay member of that governing body as it sees fit.</p> <p>(2) Any remuneration or allowances paid to the senior lay member are to be determined by the governing body of the institution, having regard to any principles which appear to the Scottish Further and Higher Education Funding Council to constitute good practice in relation to higher education institutions in accordance with section 9A of the Further and Higher Education (Scotland) Act 2005.</p> <p>(3) The senior lay member is not entitled to vote in respect of any decision of the governing body under subsection (1) or any determination by it under subsection (2).></p>		<p>someone to discharge the role and the circumstances of the institution.</p> <p>Through compliance with the Code, it allows for payment based on compensation for additional costs incurred/income foregone by the senior lay member (e.g. enabling payment of childcare costs), or payment to the senior lay member's employer in compensation for loss of their time.</p> <p>It is less open to abuse than the Scottish Government proposal at stage 2 which is based on payment on demand rather than on need.</p>
22	Section 1A		Angela Constance	Leave out section 1A		
40	After section 1A		Chic Brodie	section 1A, insert— <Co-chair of governing body	No recommendation	While Chic Brodie's amendments do not represent a policy that university leaders have taken a view on, we strongly support Mr

				<p>Co-chair of governing body</p> <p>(1) The members of the governing body of a higher education institutions are to elect one of their members as a co-chair of the governing body (the “elected co-chair”).</p> <p>(2) The elected co-chair has—</p> <p>(a) the duty to preside at meetings of the governing body when it is considering matters other than those to be presided over by the senior lay member (or, as the case may be, rector),</p> <p>(b) a deliberative and casting vote at such meetings in relation to such matters,</p> <p>(c) joint responsibility with the senior lay member (or, as the case may be, rector) for—</p> <p>(i) the leadership and effectiveness of the governing body,</p>		<p>Brodie’s work through these amendments to ensure that Parliament debates the need for the business of the governing body to be chaired by people in whom the governing body has full confidence.</p>
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				<ul style="list-style-type: none"> (ii) ensuring that there is an appropriate balance of authority between the governing body and the principal of the institution. (3) In the absence of the senior lay member (or, as the case may be, rector), the elected co-chair has the functions described in paragraphs (a) and (b) of section A1(2). (4) Another member of the governing body of a higher education institution may be selected by the governing body to exercise any of the functions mentioned in subsection (2) in the absence of the elected co-chair or while the position is vacant. (5) The governing body of a higher education institution may— <ul style="list-style-type: none"> (a) conduct an election for the position of elected co-chair in such manner as it sees fit, and 		
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				(b) apply, with such modifications as it sees fit, any of the other provisions of sections A8, A9 and 1A in respect of the position of elected co-chair.>		
41	Section 4	Composition of the governing body	George Adam	In section 4, page 5, line 38, leave out <, recognised in relation to the academic staff of the institution,>	SUPPORT	This is a technical amendment dealing with the fact that some HEIs do not have 'recognised trade unions'.
42	Section 4	Composition of the governing body	George Adam	In section 4, page 6, line 1, leave out <, recognised in relation to the support staff of the institution,>	SUPPORT	As for 41.
43	Section 4	Composition of the governing body	Mark Griffin	In section 4, page 6, line 9, at end insert— <() Where the governing body of a higher education institution establishes a remuneration committee, the membership of that committee must include at least one member of the governing body appointed by virtue of each of paragraphs (c), (d) and (e) of subsection (1).>	REJECT	This has not been consulted on with stakeholders. This issue should be dealt with through the review of the Scottish Code of Good HE Governance which is due to start in 2016. The review will include student and trade union members on the working group.

44	Section 4	Composition of the governing body	George Adam	In section 4, page 6, line 10, leave out from <is> to <institution> in line 11 and insert <nominating a person from among a category of staff must be one that>	SUPPORT	This is a technical amendment dealing with the fact that some HEIs do not have 'recognised trade unions'.
45	Section 4	Composition of the governing body	George Adam	In section 4, page 6, line 12, leave out <so recognises it> and insert <is recognised by the institution in relation to the category of staff,>	SUPPORT	This is a technical amendment dealing with the fact that some HEIs do not have 'recognised trade unions'.
46	Section 4	Composition of the governing body	George Adam	In section 4, page 6, line 14, leave out <recognises it as> and insert <appears to the institution to be>	SUPPORT	This is a technical amendment dealing with the fact that some HEIs do not have 'recognised trade unions'.
47	Section 4	Composition of the governing body	George Adam	In section 4, page 6, line 14, after <staff> insert <, having regard to all relevant factors>	SUPPORT	This is a technical amendment dealing with the fact that some HEIs do not have 'recognised trade unions'.
48	Section 4	Composition of the governing body	Cara Hilton	In section 4, page 6, line 14, at end insert— <() The governing body of a higher education institution must ensure that the number of women appointed to the governing body is at least 40 per cent of the membership of the governing body.>	REJECT	The governing body is not able to control this since a wide range of its members are elected and/or nominated by groups including staff, students, trade unions and academic board members. Securing 40% women across the whole membership of the governing body would require limitations on the candidates for and/or election process of the staff, student, trade union & academic board members' representatives.

						Chairs have already committed to 40:40:20 gender balance amongst the lay members of governing bodies.
23	Section 5A	Resignation or removal of ordinary members if governing body	Angela Constance	Leave out section 5A	SUPPORT	Related to amendment 25.
24	After section 6	Resignation & removal	Angela Constance	After section 6, insert— <Resignation and removal (1) Rules made by the governing body of a higher education institution may contain provision about the procedure for the resignation or removal of— (a) the person appointed to the position of senior lay member of the governing body, (b) the other persons within the membership of the governing body. (2) Provision as to removal is to (in particular)— (a) prescribe grounds for removal, for example— (i) inability to exercise the senior lay member's functions or (as the case may be) the functions of membership generally,	SUPPORT	Reflects the policy of stage 2 amendments that provided for the removal of the Chairing and ordinary members of the governing body.

				<p>(ii) misconduct (whether or not in the capacity as member),</p> <p>(b) ensure that removal can be effected only by a resolution based on the grounds and passed by a specified majority of the members of the governing body,</p> <p>(c) allow the person who is the subject of the resolution, if the resolution is so passed, to seek a review in order to have the resolution reconsidered or quashed.</p> <p>(3) For the purpose of subsection (2)(b)—</p> <p>(a) a specified majority may be a majority of any particular size,</p> <p>(b) the person who is the subject of the resolution does not count in any calculation arising (and the person is not eligible to vote on the resolution).</p> <p>(4) Provision under subsection (1)(a) need not be the same as provision under subsection (1)(b).></p>		
49	After section 7		Alison Johnstone	<p>After section 7, insert—</p> <p><<i>Functions of remuneration committee</i></p>	REJECT	This has not been the subject of consultation with stakeholders.

				<p>Functions of remuneration committee</p> <p>Where the governing body of a higher education institution establishes a remuneration committee, in exercising its functions the committee must have regard to—</p> <p>(a) pay settlements agreed through the New Joint Negotiating Committee for Higher Education Staff,</p> <p>(b) the desirability of reducing the ratio between the remuneration of the highest paid and lowest paid employee within the institution, and</p> <p>(c) the overall financial situation of the institution.></p>		<p>This represents only a partial view of the remuneration committee’s role and the range of factors worthy of consideration.</p> <p>This issue should be dealt with through the review of the Scottish Code of Good HE Governance which is due to start in 2016. The review will include student and trade union members on the working group.</p>
25	After section 18A	Exemptions	Liam McArthur	<p>After section 18A, insert—</p> <p><CHAPTER EXEMPTIONS FROM PROVISIONS OF PART 1 Exemptions from provisions of Part 1</p> <p>(1) If a higher education institution considers that it cannot reasonably comply with any provision of this Part, it must apply in writing to the Scottish Ministers</p>	SUPPORT	<p>This proposed new section seeks to introduce flexibility for institutions who, because of size or some other factor, are unable to reasonably comply with any of the provisions contained in part 1 of the Bill.</p>

				<p>requesting an exemption in respect of that provision.</p> <p>(2) Where the Scottish Ministers receive an application under subsection (1) they must—</p> <p>(a) within 2 months of receiving the application, determine whether to grant the exemption,</p> <p>(b) give notice of their determination in writing to the higher education institution.</p> <p>(3) Where the determination of the Scottish Ministers is to grant the exemption, notice under subsection (2)(b) must set out—</p> <p>(a) the extent to which and duration for which the institution need not comply with a provision,</p> <p>(b) such other conditions as the Scottish Ministers consider appropriate.></p>		
10	Schedule		Liz Smith	<p>In the schedule, page 12, line 9, leave out from <“consist> to end of line 10 and insert <the beginning of the section to “provided;” are repealed.></p>	SUPPORT	<p>Paragraph 1 of the Schedule presently creates confusion about the role of the Senate in relation to the administration of property, where legislation that followed the 1858 Act has given powers to the Court of a university in relation to administration of property. It is not clear that this is the intent of paragraph 1 and so the proposed amendment seeks to</p>

						restore clarity in section 5 of the Universities (Scotland) Act 1858.
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