

EXECUTIVE NOTE

THE GLASGOW CALEDONIAN UNIVERSITY ORDER OF COUNCIL 2010 SSI 2010/ 198

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 instrument is subject to negative resolution procedure.

Policy Objectives

Glasgow Caledonian University, along with the majority of other post 1992 universities and designated higher education institutions, has a Governance Order, the Glasgow Caledonian University (Scotland) Order of Council 1993 ('the 1993 Order'), made by the Privy Council.

The purpose of this instrument is to provide for a more modern constitution for the university in line with the Governance code of practice and general principles set out in the Committee of University Chairmen's (CUC) 'Guide for Members of Higher Education Governing Bodies in the UK', available on the internet at the following link: http://www.hefce.ac.uk/pubs/hefce/2009/09_14/#toc. The style of the Order has also been modernised and the structure simplified to provide greater clarity to the reader. The Order replaces the provisions in the 1993 Order which is revoked.

Functions of the University Court

Article 4 provides for the principle functions of the Court and details a number of responsibilities of the Court including oversight of the University's activities and appointment and organisational functions. These reflect similar functions provided for in other recent modernised university Governance Orders.

General powers of the University Court

Article 5 provides the Court with modernised powers to conduct the university, promote its objects and ensure its well being. The updated and expanded powers provide greater clarity and are more representative of the range of activities undertaken by the university.

Financial control and arrangements

Article 6 updates the provisions relating to the Court's arrangements for the financial affairs of the university. It also sets out the need to comply with the conditions of grants imposed by the Scottish Funding Council in relation to the payment of grants and the Court's role in approving the university's business plan and budget.

Delegation

Article 7 provides powers of delegation for the Court and Article 8 specifies the areas that must be dealt with by the Court itself.

Membership of the University Court

Article 10 sets out the membership of the Court. In a change from the 1993 Order the appointed membership and co-opted membership of the governing body are merged. The number of lay members on the Court is unchanged with a minimum of nine and a maximum of eighteen appointed governors and a lay majority on Court is maintained. The non lay members are the Principal and Vice Chancellor, the President of the Students Association and three staff governors.

The reference to full time has been removed to ensure there is no discrimination against part time staff. The university does not now have the position of Vice-Principal as envisaged by the 1993 Order but has Pro-Vice-Chancellors instead, who are not members of the Court. While the title of Pro-Vice-Chancellor has recently been expanded to Vice-Principal and Pro-Vice-Chancellor by the university to improve the understanding of the seniority of the roles in external and international contexts, their role has not changed.

Period of office of governors and vacation of office of governor

Article 14 now provides for a maximum term of office for a governor of 9 years which has been reduced from 12, other than in exceptional circumstances, as provided for in Article 14 in line with good practice in the sector. Article 15 provides a new power in relation to the suspension of governors to strengthen the university's framework of corporate governance along with the expanded provisions in Article 17 relating to the vacation of office by governors.

Conflict of interest

Article 21 makes new provision in line with the university's Standing Orders and in line with good governance practice.

Responsibilities of governors

Article 23 provides an overarching statement in respect of adhering to the highest standards of public life.

University Senate

The Schedule to the Order has been updated to ensure there is no discrimination against part time staff or students. The position of Vice-Principal Pro-Vice-Chancellor has been added and references to Chief Librarian and Associate Heads of Department removed as these posts no longer exist.

Consultation

The Privy Council Office, Glasgow Caledonian University, the Office of the Scottish Charity Regulator and the Scottish Funding Council have been consulted during the preparation of the instrument.

Financial Effects

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

Scottish Government Lifelong Learning Directorate
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