

POLICY NOTE

THE QUEEN MARGARET UNIVERSITY, EDINBURGH (SCOTLAND) AMENDMENT ORDER OF COUNCIL 2015

SSI 2015/305

1. The above instrument is made in exercise of the powers conferred upon the Privy Council by sections 45 and 60 of the Further and Higher Education (Scotland) Act 1992. The instrument is subject to negative resolution procedure.

Policy objectives

2. The constitution of Queen Margaret University (“the University”) is principally contained in a statutory instrument made in 2007: the Queen Margaret University, Edinburgh (Scotland) Order of Council 2007 (S.I 2007/116) (“the 2007 Order”).

3. The purpose of this instrument is to amend the 2007 Order to ensure that the University is in full compliance with the Scottish Code of Good Higher Education Governance (“the Code”), published in July 2013. The Code came into force in August 2013 and lists a series of Main Principles and Supporting Guidelines. The University has proposed the following amendments to its constitution which are contained in this instrument:

Proposals

Article 5 of the 2007 Order – Chair of the Court

4. Article 5(1) of the 2007 Order requires that the Court shall appoint a Chair and Vice-Chair from among the lay members appointed under Article 4(2)(a). This provision is considered inflexible given that Main Principle 11 of the Code states that “When vacancies arise in the position of the chair...they shall be widely publicised both within and outside the institution...”. As such, this instrument substitutes a new Article 5 to refer only to the Vice-Chair and amends Article 4, as detailed below, to make separate provision for the appointment of a Chair. The substitution of Article 5 removes the requirement for the Chair to be appointed by the Court from among its existing lay membership.

Article 4 of the 2007 Order – The Court

5. Article 4(2) of the 2007 Order provides that the membership of the Court shall not exceed 24 persons. This is within the limits of Main Principle 10 of the Code which states that a maximum membership of 25 is “...a benchmark of good practice”. Article 4(2)(a) provides that that membership must comprise of between 12 and 16 lay members, appointed by the Court. As this instrument makes separate provision for the Chair to be a member of the Court and this may result in appointment from outwith the existing membership, to maintain a maximum membership of 24 persons, amendments are made to Article 4(2)(a) to reduce the minimum and maximum number of lay members appointed under that paragraph (eleven to fifteen). The Code states that governing bodies must have a clear majority of independent members and this remains the case as Article 4(2)(b), (c), (d) and (e) of the 2007 Order provides for a maximum of 8 non-independent members on the governing body of the University.

6. This instrument inserts Article 4(2)(za) which provides that the membership of the Court must comprise a Chair, who shall be appointed by the Court in accordance with its rules and procedures from time to time, and shall not be a member of the staff of the University or a student. This allows for the position of the Chair to be publicised both within and outwith the University as required by the Code.

7. This instrument also inserts Article 4(7A) under the cross-heading “Organisational” to ensure that provision is still made for the Chair to preside at meetings of the Court now that Article 5 only makes provision about the Vice-Chair.

Transitional provision

8. Article 5 of this instrument makes transitional provision for the serving Chair of the University’s governing body to be treated as appointed under new Article 4(2)(za) of the 2007 Order, on commencement of this instrument. This maintains the status of the existing Chair until the end of that person’s term of office.

Commencement

9. The Order will come into force on 28 September 2015.

Consultation

10. The Scottish Government consulted the Privy Council Office, Queen Margaret University and the Scottish Further and Higher Education Funding Council during the preparation of this instrument.

Impacts

11. 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
Higher Education and Learner Support Division**

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