

From: Dr Susan Lintott
 Chairman of the Board of Scrutiny
Email: bursar@dow.cam.ac.uk

Telephone: 01223 334849

Facsimile: 01223 363582



**UNIVERSITY OF
 CAMBRIDGE**

Board of Scrutiny

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Dr T.J. Mead
 The Registrary
 University Registry
 The Old Schools
 Cambridge CB2 1TT

The Board of Scrutiny's Submission on the Council's Consultation Paper on Governance

1. Background

The Board of Scrutiny has a continuing interest in the governance of the University.

- In its Fifth Report the Board hoped that any reforms proposed on issues of governance would 'recognize the University's nature as a self-governing body of scholars, and ... [would] not lead to a diminution in the role of democratic scrutiny'. [1]
- In its Sixth Report the Board indicated that it 'would be a grave mistake for the central authorities to propose to undermine the University's internal democracy', and that 'instead of looking to the less democratic models of less successful universities, we should be looking to improve the very successful model we have evolved in the light of the practice of other successful democratic organizations in other fields of activity'. [2]

The Board welcomes the Council's invitation for comments from all interested persons or bodies on its consultation paper on Governance. The Board also welcomes many, though not all, of the other aspects of the consultation exercise.

2. 'The Need for Change'

The CAPSA Reports demonstrate that there is a need for change in the governance of the University. [3] From these Reports the Board notes that [4]

- there is a need for a statement of levels or hierarchies of accountability;
- responsibility for the implementation of policy decisions should be placed more singly;
- little, if anything, is said about the office of Vice-Chancellor;
- there is, albeit implicit at times, an assumption that policy decisions are made by committee.

The Board stresses the last point since an explicit statement that policy decisions should continue to be made by committee is absent from the consultation paper.

The Board also notes that, while CAPSA justifies reform in order to make the committee structure work and to place responsibility more singly, it is claimed in the consultation paper that there is a need to

- empower the office of Vice-Chancellor;
- develop the role of the Schools of the University;
- make the Council more representative;
- make the governance of the University more inclusive and less exclusive.

Without commenting on the desirability of these 'needs', the Board observes that there is little, if any, detailed justification of them either in the consultation paper or in the CAPSA Reports. The Board believes that this dependence on unsupported assertion rather than analysis is a weakness, since Prof. Shattock argues that the University should inject into governance a set of more rigorous and self-critical attitudes.

I. Proposition. The Board believes that the Council should provide rigorous justification of all identified 'needs' before proposals aimed at fulfilling them are brought forward.

3. Principles

In the section on *Principles*, the Board was surprised to find no explicit reference to *democratic* governance; a system that has on the whole served us well in the past.

II. Proposition. In the absence of clear and rigorous arguments to the contrary, the Board believes that the University should remain a democratic self-governing body of scholars.

4. Executive Power

A key issue facing the University is where executive and policy-making power should lie. The consultation paper is unclear on this point. As regards Council it is argued that

- there is a 'need to make the Council ... more effective in discharging its *executive* functions' (§3.3(iii), our emphasis);
- 'the Council would continue to exercise *overall responsibility* for policy and strategic development, resource allocation and personnel, and for the academic self-government of the University and relations with the Colleges' (§6.4, our emphasis);
- 'its *executive and strategic capacity* ... need to be *enhanced*' (§7.2, our emphasis).

However, as regards the Vice-Chancellor it is argued that

- there is a 'need to empower the office of Vice-Chancellor' (§3.3(vi));
- the Vice-Chancellor should 'be recognized in Statutes ... [as] *responsible for the overall direction and management* of the University and its finances, and be given the necessary authority to discharge these responsibilities directly or by delegation' (§5.2, our emphasis).

What is the consultation paper proposing? An enhancement of the executive capacity of the Council, or the empowerment of the Vice-Chancellor to direct and manage the University? A Council with overall responsibility for resource allocation, or a Vice-Chancellor responsible for the overall direction and management of the University's finances?

Prof. Shattock argued forcibly that there is a lack of clearly defined principles of accountability or of a culture of accountability within the University (Shattock §9.1). It seems that confusion persists in the consultation paper.

5. An Executive Vice-Chancellor

One resolution of the conundrum as to where executive power and decision making lie under the proposals, is that they reside *de jure* with Council, but *de facto* with the Vice-Chancellor and his deputies. This would be consistent with the proposal that the Chairman of Council no longer be the Vice-Chancellor (§5.3). It would also chime with the suggestion in the current issue of CAM Magazine that 'the Vice-Chancellor would become in effect the chief executive', and with Prof. Grant's apparent approval of the governance of Harvard and Princeton where there are presidents and deans with strong executive powers and central control of resources. [5]

The model of a Vice-Chancellor who is effectively a Chief Executive Officer (CEO) with *de facto* unchecked powers can prove to be a very successful. However, the Board believes there are at least two convincing reasons why Cambridge should not follow this route.

- First, even with the most careful selection procedures, there is no guarantee that such a Vice-Chancellor would prove to be a 'benign dictator'. When he or she were not, immense damage could result unless there were *effective* ways of reigning the Vice-Chancellor's powers. A bland statement that the Vice-Chancellor is accountable to the Council is quite simply insufficient to ensure that Council will call the Vice-Chancellor to account when necessary.
- Second, as Prof. Shattock has observed elsewhere [6], 'where improprieties and breakdowns have occurred [in UK universities] they have mostly centred on governing bodies and the executive ... not on the academic community', where by governing bodies he is referring to the externally-dominated Councils (which for the most part are appointed or indirectly elected) typical of most UK universities.

The Board also notes that

- even at a University like Exeter that does subscribe to the CEO model, the Vice-Chancellor has minimal formal powers (e.g. only the ability to suspend a student until the next meeting of Council);
- according to Oxford's new Statutes (which have apparently led to much improved governance), its 'Council shall be responsible ... for [the University's] administration, and for the management of its finances and property'.

III. Proposition. For these reasons, the Board does *not* believe that the Vice-Chancellor should be 'recognized in *Statutes* as ... responsible for the overall *direction and management* of the University and its finances' (our emphasis).

However, as indicated above, the Board does believe that responsibility for implementation of policy decisions should be placed more singly. The Board notes that in the preamble to the consultation paper the Council are proposing, in line with Shattock Recommendation 17, that 'there should be a formal statement establishing that the Registry should report to the Vice-Chancellor for the functioning of the University's central administration'.

IV. Proposition. In the light of the forthcoming implementation of Shattock Recommendation 17, the Board would support a Statute stating that the Vice-Chancellor is the principal academic and administrative officer of the University and is responsible for the implementation of the decisions of Council, General Board and their committees.

The Board also commends Oxford's Statute VI,3(1) for consideration, and in particular the opportunity it provides for Oxford's Council to delegate to a person as well as a body (cf. Cambridge's Statute K9(b)).

6. Empowered Committees Led by the Vice-Chancellor and Deputies

The Board wishes to emphasize that it believes that the University should be responsive to an effective Vice-Chancellor able to provide strong leadership. But, almost by definition, a strong leader should be able to convince democratically elected committees representing the interests of the University, such as Council, to follow his or her lead.

V. Proposition. Hence the Board sees no reason for the Council not remaining the principal executive and policy-making body of the University. The Board also sees no reason for qualifying this description by the insertion of, say, 'strategic'.

Nevertheless, the Board is acutely aware that all is not well with the workings of our current structure and that some measure of reform is needed. In the rest of this section delegation is discussed in the context of the consultation paper. In the next section some fast-track reforms are highlighted.

Delegation. It has been put to us that Council has too much business to conduct in the time available [7], with the result that items can sometimes go through without detailed examination.

VI. Proposition. In order to reduce the workload on Council, the Board suggests that Council should delegate some of its decision making to key committees by use of Statute K9(b).

Such delegation would be consistent with the consultation paper proposal that Pro-Vice-Chancellors should be appointed by the central bodies as chairs of key committees.

The reduction in Council papers and business, and hence the reduction in load on Council members, provided by delegation would open up the possibility of increased accountability, e.g. by ensuring that at least half the membership of the key committees was comprised of elected members of Council (who would then have a special interest in that committee).

VII. Proposition. The Board believes that the key committees should be in practice, as well as in theory, accountable to Council, and moreover that important components of business should not be transferred out of the oversight of those democratically elected. To that end

- a majority of the membership of key committees should be comprised of elected members of the Council;
- any item of business should be subject to recall to the Council (possibly at the request of a minority of Council [8]).

The Board anticipates that the latter power would be rarely used, but would be a useful part of a system of checks and balances.

7. Fast-Track Reforms to the Committee System

Effective support. In the Discussion on 4 December 2001 the Bursar of Girton noted, *inter alia*, that

‘The Finance Committee would be considerably more effective, and certainly more efficient, if the Finance Division had enough staff in place to produce a clear analysis of the matters about which decisions need to be taken, and reduce the number of papers which need to be read before the meeting to a realistic level.’

She went on to observe that a more efficient allocation of resources could be achieved by paying for the professional staff necessary to service the Committee properly. A similar view has been expressed at the Governance Committee, namely that there should be ‘greater use of well prepared policy papers and less reliance on commentary on committee minutes’.

VIII. Proposition. The Board considers that as a matter of urgency steps should be taken to ensure that the key committees receive the level of support they need from the Unified Administrative Service in order that these committees can function efficiently.

Clear lines of accountability. One of the key lessons of CAPSA is that it is crucial that there is no confusion as to (a) who or what has made a decision and when, and (b) where responsibility lies for the execution of a policy decision.

IX. Proposition. The Board welcomes the decision to implement Shattock Recommendation 16 in the CAPSA Action Plan. The Board believes that it is urgent that the statement of accountability processes is drawn up, and wish to be reassured that the statement will include the committee structure and not be restricted to the administrative structure.

The Board believes that a clear statement of hierarchies of accountability regarding the committee structure would help to reduce the churn of issues between committees.

8. Council and the General Board

In the consultation paper it is proposed that the functions of the Council and General Board should remain distinct, and that the General Board should conduct the academic management of the University within policies and allocations determined by the Council. The Board does not accept the suggestion at §6.2 that by analogy with the new (and different) arrangements at Oxford, delegation of responsibility from the Council to another body should be reflected by direct representation on the Council in return. In line with Prof. Shattock’s recommendations the Board identifies the need to create clear hierarchies of accountability and suggests that this is not likely to be achieved if a substantial part of the Council is constituted *ex officio* by persons appointed principally to serve on the General Board.

X. Proposition. The Board sees merit in the general principle that while it is correct for a senior body with a healthy number of directly elected members, such as the Council, to nominate to or extend itself onto another body that is not directly elected, such as the General Board, the process should not occur in reverse.

9. The Chairmen of Schools and the RAM

The consultation paper proposes that the Chairmen of Schools be members of Council, General Board and their School's own Council; they will presumably also be members of some of the key committees (e.g. Planning and Resources). As well as making the Chairmen very busy, this wide range of committee membership will also make them powerful, possibly too powerful if a RAM is implemented with delegation of major responsibilities to the Schools.¹

Prof. Shattock warns the University of the need to inject into its governance a set of more rigorous and self-critical attitudes. Unless there are appropriate checks and balances, powerful Chairmen of Schools might be susceptible to horse-trading.

XI. Proposition. Consequently, while the Chairmen of Schools should be members of General Board and the Planning and Resources Committee, the Board believes that there is a strong argument for the Chairmen of Schools only having observer status on Council.

The Board believes that the 2 / 4 imbalance between Arts and Science in the number of Chairmen of Schools is another reason why the Chairmen should not be voting members of Council. Further, the imbalance also raises questions concerning the membership of General Board and other committees, an issue which the Board notes was not discussed in the consultation paper.

XII. Proposition. The Board believes that before any reform of the membership of General Board, etc. is undertaken, a detailed analysis should be provided of the effect of any Arts/Science imbalance.

The Board notes that in its recent reforms Oxford was careful to keep an Arts/Science balance.

10. The Regent House

The consultation paper proposes expanding the membership of the Regent House principally by including unestablished academic and academic-related staff (possibly after a qualifying period). With the likely continued expansion of such staff within the University, the Board would like reassurances that the consequences of this expansion, and the inclusion of staff who may have a relatively short-term commitment to the university, have been assessed. The consequences should be made explicit to the Regent House.

Further, while the Board does not have detailed figures, it presumes that a significant majority of unestablished academic and academic-related staff are science based. An expansion of the membership of the Regent House would therefore introduce a significant science bias into the Regent House, an outcome that the Board would find undesirable. The Board would like reassurance that the consequences of this imbalance have also been assessed.

Such a significant expansion of the Regent House would be likely to have important consequences for elections and ballots; the consequences do not seem to have been explored. For instance, consider elections to the proposed Council. The Board suggests that in the absence of a detailed analysis it is not unreasonable to presume that in an election by Single Transferable Vote, the successful candidates are likely to mirror identifiable constituencies within the electorate (assuming that there are candidates from those constituencies). In an expanded Regent House one might identify four constituencies: academic-related staff, unestablished contract staff, College Fellows, and University Teaching Officers (UTOs). If six members of the Regent House were to be elected to Council biennially in two groups of three, then given that the unestablished contract staff would comprise almost half of the Regent House at each election, the successful candidates might well be one member of the unestablished contract staff, one member of the academic-related staff or a College fellow (e.g. a Bursar), and one UTO. The result would be two UTOs elected to Council (neither of which

¹As an aside, the Board is also concerned by the disparity between the Disaggregation Analysis and the current RAM; this suggests that there is undue sensitivity to the formulae being used. This could inadvertently have significant adverse effects on key parts of the University.

might be a lecturer), in comparison with three students and three members of the assistant staff. This would debase any claim that Cambridge was a self-governing body of scholars.

XIII. Proposition. The Board accepts that there is a case for a controlled expansion of the Regent House comparable with the expansion of Oxford's Congregation. However, the Board would like to be convinced that a larger expansion would be in the best interests of the University. The Board believes that a decision cannot be made without detailed analysis (e.g. an assessment of any Arts/Science imbalance) and specific proposals (e.g. the creation of a separate class for unestablished contract staff in elections to Council).

11. Representation of the Colleges

The need for the Colleges to be fully involved is acknowledged in §4.1(iii), but the Board considers that to continue the specific representation of Colleges on Council only through Heads of House maybe unnecessarily restrictive.

XIV. Proposition. The Board recommends that consideration should be given to opening up the representation of Colleges on Council to a wider class of Fellow (such as Senior Tutors and Bursars as well as Heads of House).

12. The Composition of Council

At present 80% of the Council is elected from the Regent House by the Regent House (if the Chancellor is excluded). Under the consultation paper this proportion would be reduced to 35%, and even then two-thirds of these members would be elected by a combined electorate of the Regent House and Assistant Staff. Hence if the consultation paper proposals were carried through one of the distinctive features of Cambridge governance would be lost, and it is debatable that we could continue to refer to ourselves as a self-governing body. Of possibly more importance is the fact that in an age of accountability, the accountability of Council to the University's Governing Body, i.e. the Regent House, would be reduced.

XV. Proposition. The Board believes that a clear majority of the Council should be elected from the Regent House by the Regent House if the Council is to remain properly accountable to the University's Governing Body, and if an accountability deficit is not to emerge.

In the light of this the Board suggests the following membership of Council for consideration (possibly as an 'Aunt Sally'):

1. the Vice-Chancellor;
2. one Pro-Vice-Chancellor (i.e. the effective 'Provost');
3. three external members, of whom one would normally be Chairman of the Audit Committee;
4. four members of Colleges (possibly not all necessarily Heads of House), elected by the Regent House;
5. eight members of the Regent House (excluding unestablished contract staff in a significantly expanded Regent House) elected by the Regent House;
6. two members of the unestablished contract staff elected by themselves (or by the Regent House if significantly expanded);
7. two members of the assistant staff elected by themselves;
8. three elected students.

Compared with the proposal in the consultation paper, the assistant staff members are trimmed from three to two, two members of the unestablished contract staff are explicitly added, the number of members of the (unexpanded) Regent House is increased from six to eight, and the number of members of Colleges is increased from three to four. The proportion of members from the Regent House elected by the Regent House would then be a barely acceptable 50% or, if the Regent House was expanded, 58%.

The Board notes that some argue against too many classes. An advantage of classes, however, is that the electorate has a better chance of knowing the candidates.

The Board does not accept that a Council with a majority of elected members will be a 'talking shop', especially if the elected members feel that they have a mandate from their constituencies. Moreover the Board sees advantages in our conventional cross-discipline constituencies over, say, School constituencies, especially when resources are at stake.

13. Elections to Council

The Board believes that there would be at least two significant advantages if the elections to Council were more hotly contested, e.g. with at least twice as many candidates as seats. First, successful candidates might feel that they had a greater mandate from their constituencies, and hence show a greater willingness to take their responsibilities seriously, e.g. as to coming to decisions, and as to the need to call senior officers to account. Second, the larger the number of candidates, the less conspicuous failure, and hence, possibly, the more willing people would be to stand.

XVI. Proposition. The Board believes that, in order to make service on Council more attractive, there is a case for exploring the possibility of inducements for those elected to Council, e.g. reduced departmental, faculty, college or university duties, and/or increased sabbaticals (as appropriate).

14. External Members

The Board welcomes the proposal that there be a moderate number of external members on Council, although it is not yet fully convinced that three is the correct number. The Board agrees that one of these should be Chairman of Audit.

The Board notes that the procedure referred to as election by Grace resembles that procedure usually referred to as appointment by Grace (cf. appointments made to the Finance Committee by Grace).

The Board believes that the proposal to add external members to the Council through nomination by a Council-appointed body smacks of the very 'cosiness' which has been rightly criticized by Shattock.

XVII. Proposition. Hence the Board believes that if the idea of appointment of external members by Grace is to be pursued, the body that nominates the external members should be composed only of democratically accountable, i.e. elected, members of the Council.

However, given the longstanding attempts to increase the interest of alumni in the University's affairs, the Board wonders whether there is an opportunity here to involve alumni in nominating and electing the proposed external members through the Senate [9] (subject to the costs of the election being acceptable).

15. The Chairman of Council

As already indicated the Board believes that responsibility for the overall direction and management of the University and its finances should remain with Council (as at Oxford). In such circumstances a case can be put forward for the Vice-Chancellor remaining as Chairman of Council (again, as at Oxford), so that he or she can exercise a leadership role. Contrariwise, it has been put to us that it is difficult to call the Vice-Chancellor to account if he or she chairs Council even within the current arrangements.

XVIII. Proposition. On balance the Board supports the proposal that the Vice-Chancellor no longer chair Council.

However, it is crucial that any Chairman of Council

- can devote the necessary time and energy to the post;
- understands how the University works (in particular its democratic self-governing nature);

- has a grasp of the key issues so that he or she is not over reliant on briefings that might compromise his or her independence;
- inspires confidence from both within the Regent House and amongst the wider membership of the University.

It is not immediately clear to the Board that it would always be possible to find an external member who fulfilled these requirements. Further, the Board could envisage the situation in which an elected Head of House with previous external experience might prove to be a more appropriate Chairman than any of the external members. The Board also believes that the Chairman of Council should be accountable to the Regent House and the wider University.

XIX. Proposition. For this reason the Board proposes that the Chairman of Council should be elected annually by the external and elected members of Council from the external and elected members of Council.

16. The Conduct of Council

It has been suggested to the Board that conduct of Council has, in certain senses, been problematic over the past few years. One way that these problems have been overcome has been to move onto next business whether or not the issue has been discussed in necessary detail.

In the House of Lords it is possible for a member to move 'that the noble Lord be no longer heard'.

XX. Proposition. The Board suggests that Council explore the possibility of introducing a similar standing order, i.e. so that a motion could be put that a member no longer be heard, for its meetings and those of its committees.

As a safeguard of freedom of speech, a motion under such a standing order should only apply to one item of business, and it would also be appropriate to impose a high hurdle, e.g. for the motion to pass it might be required that those voting in favour should constitute two-thirds of those present. The Board would expect such a standing order to be rarely used, but its existence might prove to be a useful deterrent.

17. Collective Responsibility

The Board is aware of suggestions that 'members of Council, although elected as individuals, should accept the collective responsibility which followed from the Council's position as identified by Statutes'. Fortunately such a view is not expounded in the consultation paper. However, the Board wishes to place on record its view that collective responsibility would reduce accountability. Moreover, such a principle of collective responsibility would seem to be inconsistent with Statute K17:

'A Report of the Council, or of any other body that has the right of reporting to the University, shall be signed by *those members* of the reporting body *who agree* with the Report; ...' (our emphasis).

There is the implication here that members of Council should let their disagreement with a Report be known by not signing it.

18. The Position of the Proctors

The Proctors attend Council. As far as the Board can tell this is by convention rather than being enshrined in Statute or Ordinance. If the Statutes of the University are to be revised, the Board suggests that this convention be regularized by making the Proctors observers at Council with the right to speak.

19. The Number of Signatures

In §2.3 of the consultation paper it is stated that the power for ten members of the Regent House to call for an amendment (or ballot) of a Grace is 'very rarely used' but acts 'as a check on the executive powers of the Council'. The Board endorses both views, and notes that over the four and a half year period from October 1997 to March 2002, there were nine separate ballots (and two of these were conducted simultaneously), i.e. a rate of one ballot every six months. The Board does not consider this disruptive to the running of the University, and indeed notes that often the major delay is associated with Council's bringing forward proposals, rather than the delay associated with any ballot. [10]

Similarly the Board notes that over the four and a half year period from October 1997 to March 2002, there were only five requests for Discussions (and one of those was the request for the CAPSA Discussion).

The Board is therefore surprised that the projected increase in size of the Regent House forms the basis of a proposal to increase disproportionately, from ten to fifty, the number of signatures required to demand a ballot, amend a Grace or request discussion of a topic. The Board looks for hard evidence that the business of the University is being obstructed by the calling of unnecessary ballots or frivolous Discussion topics.

Further, a fundamental necessity of democratic accountability is the ability for minorities to draw the attention of the Regent House to key issues. The Board is unconvinced that the significance of concern amongst members of the Regent House can be determined by, say, a formula related to the size of the Regent House; what about the case of a small Arts Department with few unestablished contract staff threatened with cuts in funding (possibly a topical issue)?

An increase from ten to fifty in the number of signatures would also make it more difficult for the University's Governing Body to call the Council to account, so contributing to the accountability deficit referred to earlier.

XXI. Proposition. Consequently, the Board believes that unless evidence to the contrary is forthcoming the case for retaining the *status quo* concerning the number of signatures required to demand a ballot, amend a Grace or request discussion of a topic, appears to be a strong one.

The Board also notes that if it is more difficult to call for a Discussion then this might lead to even more (unwelcome) irrelevant comments in other Discussions.

20. The Conduct of Discussions

The recommendation by Shattock that Standing Orders should be introduced to regulate Discussions and prevent speakers making personal attacks on individuals, is given a low priority for action. The Board regrets this and believes that Discussions are an important element in ensuring openness and accountability in government. The personal contact fostered by Discussions is valuable in maintaining a genuine academic community and they draw comment from various elements in the University's membership, not only from within the Regent House. The Board sees a need to strengthen the Discussion process and to review timetabling to ensure ease of attendance.

21. The Consultation and the Online Questionnaire

The online questionnaire raises many questions as to how useful the results will be.

First, a worrying aspect of the questionnaire is the apparent lack of validation. It would be relatively easy to set up an automated computer program to flood the consultation with anonymous replies, or even spuriously named ones. Many people who leave Cambridge still keep their computer accounts here for good reason, e.g. continuing research collaborations, and they too could return replies.

Second, a number of the questions are, at the very least, ambiguous. For instance, take question 3. a)

Should the Chairs' functions be defined and their roles enhanced and supported? Yes/No.

Few respondents are likely to think that the functions would be better undefined or unsupported, but it does not follow that everyone wants them enhanced. More importantly, what about question 1. a)

Should the Vice-Chancellor be the principal academic and administrative officer of the University? Yes/No.

A *no* answer is, superficially at least, a nonsense (especially given the fact that the current role of Vice-Chancellor is described in the Abstract of Accounts as *de facto* the principal academic and administrative officer of the University). However a *yes* answer might be interpreted as indicating support for all of §5.2. Indeed the Board agrees that the Vice-Chancellor should be the principal academic and administrative officer of the University but, as indicated above, does not agree with the proposal in §5.2.

The Board, therefore, requests answers to the questions:

- Was professional advice taken concerning the design of the questionnaire?
- More importantly, if such advice was sought, was it taken?

XXII. Proposition. The Board believes that professional advice should be sought, and then taken, as to whether the results of the questionnaire are meaningful.

The Board welcomes other features of the consultation. It notes the assurances given in the seminars that all comments received will inform further debate and shape revised proposals.

XXIII. Proposition. The Board believes that when further proposals are brought forward evidence should be provided to the Regent House that the comments received have been acted upon other than in a merely formal manner.

22. The Process of Reform

The Board notes that the Council first expected to publish a Report on issues of governance 'early in 1999-2000'. That date then slipped to Easter Term 2001, and a Notice eventually appeared in Lent 2002. After a delay of over two years, the Council now intend to proceed with great haste justifying this, *inter alia*, by the need to clarify the position before the next Vice-Chancellor takes up his or her post.

The Board notes the very thorough and considered approach to reform taken by Oxford through the North Report and through ongoing revisions of the Statutes to ensure greater transparency and consistency. These reforms have extended over a period of approximately eight years and have included the North Commission of Inquiry Report (250 pages) and two subsequent Reports of Oxford's Joint Working Party on Governance (each after extensive consultation); the five pages of the consultation paper produced after two years' work (not including the earlier Nolan committee) do not bear comparison.

The Board regrets that the Joint Committee on Governance was not constituted as a University Committee, with its membership listed in the *Reporter*, and with the necessary breadth of representation (e.g. the Board notes that both the Committee on Governance and the Special Working Party were composed of white, middle-aged males internal to the University).

XXIV. Proposition. Given the wide-ranging nature of the proposed reforms, the Board believes that it is crucial that they are both warranted and effective. The Board therefore recommends that the Joint Committee on Governance be reconstituted with a wider range of membership, with the aim of bringing forward considered and justified proposals that would stand comparison with those recently implemented at Oxford. To this end, a more realistic revised timetable should be drawn up.

The Board is of the opinion that the resulting delay would be acceptable if the fast-track reforms outlined in section 7 above were implemented, together with some delegation of powers using Statute K9(b).

References

[1] *Reporter*, 4 October 2000.

[2] *Reporter*, 20 June 2001.

[3] For instance, in his Report Prof. Shattock notes that 'CAPSA represents a corporate failure, a failure of management that derives at least as much from a failure of governance as of administration' (§6.2), and that fundamental problems exist 'both of management and governance and, perhaps crucially, in the grey area that lies at the interface between the two' (§1.4).

[4] For instance, in his Report Prof. Shattock comments

- that the University's committee system is ineffective because it does not translate information gathering and discussion into action (§6.1);
- that the University needs to adopt a more accountable culture where individuals can be held responsible for their actions (or inactions) and where committees are more questioning because they may be held responsible if their recommendations to higher bodies can be shown to have been arrived at without proper scrutiny (§10.4);
- that the University needs to find a way to retain its all important tradition of academic self government while at the same time preventing it from lapsing into cosiness and injecting into its governance a set of more rigorous and self-critical attitudes (§10.4);
- that a key step in the strengthening of the Council must be the establishment of four Pro-Vice-Chancellor posts ... to assist in the management of the University and ensure that decisions taken by committees that they chair are implemented (§8.5);
- that responsibility for the implementation of policy is best vested in the hands of individuals (§9.1);
- that the Council should ask the Audit Committee to prepare a statement on accountability processes within the University (§10.5(16)).

[5] In the THES of 8 March 2002 Prof. Grant writes that

- Harvard and Princeton 'place a premium on central leadership, expressed through a president with strong executive powers';
- 'the centre's control over resources [at Harvard] gives it a great capacity to facilitate innovation in departments';
- 'Cambridge's strengths of diversity, democracy and decentralisation may, in their present form, prove to be its fatal weakness', and that 'these characteristics have led to a system of central governance that is, in many respects, sclerotic';
- Cambridge's 'decision-making tends to be secretive and diffuse, based almost wholly in a committee culture that suppresses rather than promotes energy and ideas, and that makes it hard to ascertain where responsibility and accountability lie. The process can be slow and unresponsive'.

[6] *Re-balancing modern concepts of university governance from The governance of UK universities in the post-Dearing era.* M. Shattock, 2001. Reprint supplied by the author.

[7] As illustrated by the need to call a separate meeting of Council to consider the appointment of the new Vice-Chancellor.

[8] The Board notes the example of a large College, which is run by a College Council, where only twelve fellows are needed to call a College Meeting in order that all fellows can discuss an item of business. This power is rarely used (e.g. once in the last two years).

[9] An alternative to the Senate that has been suggested to us is an alumni-based organisation such as the Cambridge Society.

[10] For instance, consider the amendment of the regulations for the Unified Administrative Service. The advertisement for the Director of Management Information Services appeared on 3 June 1998. Two and a half years later, on 21 March 2001, the Council Reported on the Unified Administrative Service with the aim of establishing this Directorship on 1 October 2001. Amendments were proposed in June 2001, which Council largely accepted. Following a ballot the Office was established from 1 January 2002. The call for the ballot caused a delay of three months, while the central bodies themselves caused a delay of three years.

Summary of the Board of Scrutiny's Propositions

- I. Proposition.** The Board believes that the Council should provide rigorous justification of all identified 'needs' before proposals aimed at fulfilling them are brought forward.
- II. Proposition.** In the absence of clear and rigorous arguments to the contrary, the Board believes that the University should remain a democratic self-governing body of scholars.
- III. Proposition.** The Board does not believe that the Vice-Chancellor should be 'recognized in Statutes as ... responsible for the overall direction and management of the University and its finances'.
- IV. Proposition.** In the light of the forthcoming implementation of Shattock Recommendation 17, the Board would support a Statute stating that the Vice-Chancellor is the principal academic and administrative officer of the University and is responsible for the implementation of the decisions of Council, General Board and their committees.
- The Board also commends Oxford's Statute VI,3(1) for consideration, and in particular the opportunity it provides for Oxford's Council to delegate to a person as well as a body (cf. Cambridge's Statute K9(b)).
- V. Proposition.** The Board sees no reason for the Council not remaining the principal executive and policy-making body of the University. The Board also sees no reason for qualifying this description by the insertion of, say, 'strategic'.
- VI. Proposition.** In order to reduce the workload on Council, the Board suggests that Council should delegate some of its decision making to key committees by use of Statute K9(b).
- VII. Proposition.** The Board believes that the key committees should be in practice, as well as in theory, accountable to Council, and moreover that important components of business should not be transferred out of the oversight of those democratically elected. To that end
- a majority of the membership of key committees should be comprised of elected members of the Council;
 - any item of business should be subject to recall to the Council (possibly at the request of a minority of Council).
- VIII. Proposition.** The Board considers that as a matter of urgency steps should be taken to ensure that the key committees receive the level of support they need from the Unified Administrative Service in order that these committees can function efficiently.
- IX. Proposition.** The Board welcomes the decision to implement Shattock Recommendation 16 in the CAPSA Action Plan. The Board believes that it is urgent that the statement of accountability processes is drawn up and wish to be reassured that the statement will include the committee structure and not be restricted to the administrative structure.
- X. Proposition.** The Board sees merit in the general principle that while it is correct for a senior body with a healthy number of directly elected members, such as the Council, to nominate to or extend itself onto another body that is not directly elected, such as the General Board, the process should not occur in reverse.
- XI. Proposition.** While the Chairmen of Schools should be members of General Board and the Planning and Resources Committee, the Board believes that there is a strong argument for the Chairmen of Schools only having observer status on Council.
- XII. Proposition.** The Board believes that before any reform of the membership of General Board, etc. is undertaken, a detailed analysis should be provided of the effect of any Arts/Science imbalance.

XIII. Proposition. The Board accepts that there is a case for a controlled expansion of the Regent House comparable with the expansion of Oxford's Congregation. However, the Board would like to be convinced that a larger expansion would be in the best interests of the University. The Board believes that a decision cannot be made without detailed analysis (e.g. an assessment of any Arts/Science imbalance) and specific proposals (e.g. the creation of a separate class for unestablished contract staff in elections to Council).

XIV. Proposition. The Board recommends that consideration should be given to opening up the representation of Colleges on Council to a wider class of Fellow (such as Senior Tutors and Bursars as well as Heads of House).

XV. Proposition. The Board believes that a clear majority of the Council should be elected from the Regent House by the Regent House if the Council is to remain properly accountable to the University's Governing Body, and if an accountability deficit is not to emerge.

XVI. Proposition. The Board believes that, in order to make service on Council more attractive, there is a case for exploring the possibility of inducements for those elected to Council, e.g. reduced departmental, faculty, college or university duties, and/or increased sabbaticals (as appropriate).

XVII. Proposition. The Board believes that if the idea of appointment of external members by Grace is to be pursued, the body that nominates the external members should be composed only of democratically accountable, i.e. elected, members of the Council.

However, given the longstanding attempts to increase the interest of alumni in the University's affairs, the Board wonders whether there is an opportunity here to involve alumni in nominating and electing the proposed external members through the Senate (subject to the costs of the election being acceptable).

XVIII. Proposition. On balance the Board supports the proposal that the Vice-Chancellor no longer chair Council.

XIX. Proposition. The Board proposes that the Chairman of Council should be elected annually by the external and elected members of Council from the external and elected members of Council.

XX. Proposition. The Board suggests that Council explore the possibility of introducing a similar standing order, i.e. so that a motion could be put that a member no longer be heard, for its meetings and those of its committees.

XXI. Proposition. The Board believes that unless evidence to the contrary is forthcoming the case for retaining the *status quo* concerning the number of signatures required to demand a ballot, amend a Grace or request discussion of a topic, appears to be a strong one.

XXII. Proposition. The Board believes that professional advice should be sought, and then taken, as to whether the results of the questionnaire are meaningful.

XXIII. Proposition. The Board believes that when further proposals are brought forward evidence should be provided to the Regent House that the comments received have been acted upon other than in a merely formal manner.

XXIV. Proposition. Given the wide-ranging nature of the proposed reforms, the Board believes that it is crucial that they are both warranted and effective. The Board therefore recommends that the Joint Committee on Governance be reconstituted with a wider range of membership, with the aim of bringing forward considered and justified proposals that would stand comparison with those recently implemented at Oxford. To this end, a more realistic revised timetable should be drawn up.

The Board is of the opinion that the resulting delay would be acceptable if the fast-track reforms outlined in section 7 of its response were implemented, together with some delegation of powers using Statute K9(b).