

# Time for new governance for universities?

*Many universities are facing the biggest challenges in their history. But is governance in higher education up to the task?.*

Some universities in the UK have notoriously been on the brink for years. Others have appeared to thrive – able to innovate, secure investment, diversify, modernise how they work and move with the times.

But the sector overall has struggled to handle challenges where modern governance would have made the difference. It is not just about the pandemic and Brexit, which have required swift responses. It is about fundamental – and predictable – issues of culture and focus such as EDI, safeguarding, free speech and the mental wellbeing of staff and students. These and more have spotlighted sluggish and out-of-date governance with more than a whiff of complacency. A lot of stable doors have been heard slamming in the last five years.

This is perhaps understandable. As a rule, higher education institutions (HEIs) still appear saddled, by their own statutes, with governance structures dreamt up in a different era. This is reinforced by a complex regulatory environment that tends to be remote, autocratic, tentative and bureaucratic. The sector needs a new era of governance but appears hamstrung.

Some universities have taken a much more positive route forward, seeing governance as an enabler of a better-grounded and agile approach. This has pricked the complacency of the sector in some places but more needs to be done.

## Reflecting on reviews

The statutory obligation for HEIs to have a review of governance every four years should provide the ideal opportunity for root-and-branch reflection and independent challenge. But too many reviews are not framed that way. They are commissioned as validation reviews against the rather lame and toothless codes which apply in the four countries. In truth, these codes are far too easy to meet and there are few consequences if they are not met.



Too few HEIs still seem open to a truly independent review of core governance culture, embracing not just the governing body, but all elements of governance. Academic governance has more recently crept onto the agenda, prompted by the Office for Students questioning the level of grip and understanding of governing that bodies have. It almost came as a shock to some governing bodies that they had any role in overseeing academic governance; they had clearly not thought this through. Sadly, there are still not many examples of this being done in a way that can be described as strong and modern.

Part of the problem is how closed the review processes have become. Things need shaking up. Nothing should be off limits if universities are to meet their obligations to act as stewards for complex civic organisations, central to social and economic progress, especially now.

## New model of governance

What is needed is a new model of governance or even multiple models that are right for the future. The Office for Students may have a key role here, but this must be treated with caution given its tendency to treat higher education as one sector, when it is in fact highly varied and nuanced. There is still an uneasy relationship between the OfS and the sector dating back to its inception.

Unless something fundamental happens universities will continue to rely on the current model of leadership for their governance bodies, namely the council of governors and senates or their equivalents.

But what does the future of good governance in HE need to look like? That will be the subject of a second Illumination on this subject, which we will publish next week.

## Illuminations

- Higher education has historically struggled to handle challenges where good, modern governance would have helped.
- Governance reviews should provide the perfect opportunity for root-and-branch reflection, but they are not currently framed that way.
- Unless a new model of governance is found, the sector will continue to be hamstrung by its outdated structures and culture.

If you have any questions or comments about this briefing, please call us on 07732 681120 or email [advice@good-governance.org.uk](mailto:advice@good-governance.org.uk).