

Summary of Business for
Council Effectiveness and Statutes Review
Project Board



Title	Statutes review
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Date	12 July 2013
Status	For discussion
Document type	Proposal for working group approach and process
Summary	The statutes working group is now ready to convene as an academic member of staff has agreed to join the group, and a mechanism for moving through the review has been identified
Previous consultation	18 February 2013
Resource implications	Time of HR lead and of VP (Staff and Students), should statute 25 be reviewed at a later date
Risk analysis	Care needs to be devoted throughout the review process to ensure that the key messages are clearly and effectively communicated and that staff and students feel they have genuine opportunities for input
Effective date of introduction	Immediate
Recommendation	The Project Board is asked to CONSIDER the proposed approach, and APPROVE delaying work on statute 25 until some later date

Statutes review

On 18 February 2013, the Council Effectiveness and Statutes Review Project Board were presented with a paper outlining the principles enshrined in the Act establishing Royal Holloway and Bedford New College in 1985 and in the College Statutes, and comparing these with the principles enshrined in two sets of statutes approved by the Privy Council in recent years for Nottingham and King's College. The comparison indicated that many details presented in our statutes are no longer required by the Privy Council or the University of London, such as information about how the academic work of the College is structured, and that other matters covered in statutes are now redundant such as the statement that there shall be no discrimination and the statement of the objectives of the Students' Union. Further analysis by the Secretariat has confirmed that there are a number of areas that are ripe for simplification or removal to regulations, where this should not be contentious as the matters in question have no bearing on staff working conditions or the fundamental character of the institution. A number of FAQs about the statutes review process (appended) have been published in order to manage reactions to the review process more effectively.

The analysis undertaken suggests that our statutes should cover, and only cover, the following:

- Council – membership of, leadership of, length of office, removal, vacancies
- Powers of Council – including ability to appoint Honorary Fellows, make investments, and raise money
- Ordinances & Regulations – Council can make, amend and repeal them
- Delegation of Powers – to whom Council may delegate what powers, and which powers it may not delegate
- Meetings of Council – existence, routine and special, quorum
- Committees – Council can make them and give them powers
- Academic Board – membership, length of office, powers & duties
- Principal – existence, powers in Statutes & Regulations
- Vice-Principals – existence
- Secretary – existence
- Students' Union – existence, functions, governance of constitution
- Academic Staff – academic freedom, HR procedures to be covered in Ordinances
- No Discrimination – fair treatment for all
- Auditor – existence
- General Saving – safeguards acts already passed

While the current statute 25 requires considerable attention, the timescale and staff effort that will be required to achieve a satisfactory outcome are such that the Project Board will be recommended to separate this task from the job of modernising all the other statutes. This recommendation was put to the Project Board on 10 January and rejected, but the Board needs to now reconsider this issue. Separating statute 25 from the rest of the review would allow the project board to relatively swiftly review and revise statutes 1-24 and 26-32 with appropriate staff consultation at all stages, thus avoiding unnecessary confusion and misinformation about the purpose of the review.

The statutes working group reporting into the project board will meet three times:

- Meeting 1: identify questions we wish to ask in consultation (before September)
- Meeting 2: look at responses and draft accordingly
- Consult again – questions about draft
- Meeting 3: redraft in response to consultation

The key stakeholders with which the members of the working group will consult include those identified in paper CESP/13/03 (stakeholders mapping) of 10 January 2013, and in addition focus groups will be established with members of academic and service staff who have followed the College's leadership training. The Students' Union incoming Chair has made suggestions for increasing the participation of students in the review process including in focus groups and these will be implemented in the new term.

Statutes review, FAQs

Alongside reviewing the effectiveness of our Council, Council has also asked that we review our Statutes.

Why are we reviewing our statutes?

In 2003, the government published a White Paper *The Future of Higher Education*, focusing on the role of the Privy Council in approving *all* changes to English universities' statutes. It questioned whether the Privy Council needed to continue to approve "minor changes" in the way universities conduct themselves (such as provisions on membership, and internal structures), or whether this was an unnecessary burden. Since this decision, universities have been encouraged to remove operational matters out of statutes so that these can be changed by universities without the need for Privy Council oversight. The Privy Council continues to be concerned to protect the status of universities as educational establishments by overseeing any proposed changes to core issues such as degree awarding powers, university titles, academic freedom, and governance structures. Many of our comparator research intensive universities have removed operational matters from their statutes in the last ten years, and now our Council has decided to review our statutes in line with this government advice.

Is it normal for universities to review their statutes?

Yes. At the beginning of 2013, the Secretariat reviewed the governance arrangements in 13 other smaller-size research-intensive universities. The full report on this benchmarking exercise is available on the project webpages. We asked when governing bodies last reviewed their statutes. The results were that 6 have completed full reviews since 2006, 2 are underway now, and 2 more will start this year.

When were the Statutes last reviewed?

Our current statutes were written in the 1980s at the time of the merger of Royal Holloway and Bedford colleges. They reflect the university education ideas and ideals of the time, in the topics they cover and in the language used. Some changes have been made to particular statutes since the merger in 1985, such as those discussed and agreed in 2011 that removed the right of the local council to nominate a member of Council, however we have no record of any review looking at our statutes as a whole since the merger.

Will the review change the relationship between management and Council?

No. Council will remain the governing body of the College. The Privy Council has made it clear that it is a fundamental principle of English higher education that every university must have a governing body that is responsible for these functions. Royal Holloway is also governed by an Act of Parliament that spells out additional requirements on how the College should be governed. The Act states that "The objects of the College shall be to promote for the public benefit education and scholarship and... to provide instruction leading to degrees of the University, to superintend postgraduate studies, and to promote research." These core activities of the College do and will continue to form the foundation of all the activities governed by Council, and managed day to day by the Principal and other senior managers across the College's departments and services.

Will the review change the relationship between Academic Board and Council?

The relationship between our Council and Academic Board is described in the same Act of Parliament. The Act states that "There shall be an Academic Board whose members shall be as prescribed by the statutes and it shall... be the body responsible for the academic work of the College in teaching and examining and

in research.” Reviewing our statutes will not change how responsibilities are fulfilled between these groups.

What do we think we might change?

No decisions have taken at the time of writing about what should change; the only thing that has been decided is that we should look at every statute and consider them as a whole set. We are considering

- changing the language, to make the meaning clearer for everyone
- shortening the statutes where they contain detailed operational matters that are not of concern to the Privy Council and the University of London, and moving these to our Regulations instead
- strengthening the statement that protects academic freedom
- amending the statute that specifies the objectives of the Students’ Union, in recognition that the SU has recently become an independent charitable body.

Some documents have been prepared for the project board overseeing this work, and for other stakeholders, to test out various ideas of what a new set of statutes might look like. We have looked closely at many sets of statutes that have recently received Privy Council approval, and at two in particular – those of Nottingham and King’s College – that are especially easy to read. These are written in language that is simpler for non-lawyers to understand, and are considerably shorter than our present set (which take up 35 pages). We wonder if shorter sentences and paragraphs might make our governance arrangements more accessible to staff and students, and more transparent as a result. We are interested to consult widely with staff and students to test this theory and to find out what people think is of core importance and what is purely operational.

What has been decided already?

Only that we should review all of the statutes, and that we should involve as many staff and students in the process as possible.

How will we conduct the review?

The work of deciding which statutes to change and of drafting new statutes will be steered by a working group dedicated to this task, which will make recommendations to the project board and then on to Council itself. The membership of the working group is published on the project webpages. There will be consultation with staff and students throughout, to ask what people would like to see in statutes, and then to check that drafts reflect this.

How can I get involved?

- Staff can come to our drop-in sessions, which will be in the SCR between 2pm and 4pm every Tuesday and Thursday in October.
- Students can come to the first two general meetings of the Students’ Union in the new academic year.
- Anyone can volunteer to take part in a focus group (to be scheduled through the autumn term) or email thoughts to governance@rhul.ac.uk.