

Governance

# The role of governance in new University Centres

## Brief guide for clerks and governors in further education colleges

Training material

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## Acronyms

ACP	Association for Collaborative Provision of Higher Education in Further Education in England
AoC	Association of Colleges
ASNs	additional student numbers
AV	audio visual
BIS	Department of Business, Innovation and Skills
CUC	Committee of University Chairs
DIUS	former Department for Innovation, Universities and Skills
FE	further education
FEC	further education college
FDAP	foundation degree awarding powers
FTE	full-time equivalent
GGSPS	Good Governance Standard for Public Services
HE	higher education
HEFCE	Higher Education Funding Council for England
HEI	higher education institution
HND/Cs	Higher National Diploma/Higher National Certificates
IT	information technology
KPI	key performance indicator
LGM	Leadership, Governance & Management Fund (HEFCE)
LSC	Learning and Skills Council
LSIS	Learning and Skills Improvement Service
NSS	National Student Survey
NUC	A New University Challenge
OFFA	Office for Fair Access
QAA	Quality Assurance Agency for Higher Education
RDA	regional development agency
SDF	Strategic Development Fund (HEFCE)
SFA	Skills Funding Agency
UC	University Centre
WP	widening participation
YPLA	Young People's Learning Agency

Association for Collaborative Provision of Higher Education in Further Education in England (ACP), HEFCE-funded, Leadership, Governance and Management (LGM) Project, No 185.

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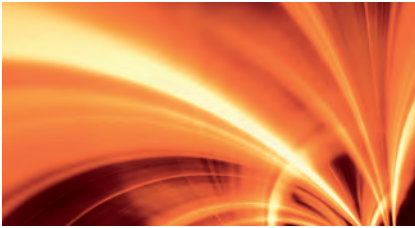
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## Brief purpose of this guide

This guide follows from a 12-month study, hosted by ACP<sup>1</sup> on models of governance in new University Centres (a project funded by HEFCE's LGM programme).<sup>2</sup>

The study's starting point was a list of higher education (HE) centres and university campuses contained in an annex to the government prospectus, *A New University Challenge*<sup>3</sup> (NUC).

While some partnerships between higher education institutions (HEIs) and further education colleges (FECs) brand themselves as University Centres, the list of those receiving HEFCE additional student numbers (ASNs) or capital funding (2003–08) gave, for the first time, a definitive grouping from which to examine and explain emerging models of governance. Two things became apparent about how governance mechanisms roll out in practice:

- (i) that accountability and probity agendas remain a lower priority when pitched against the challenges of innovation, flexibility and creativity and simply making University Centres work; and
- (ii) that governance mantles are often modifications of the driving partner structures (be it HEI or FEC) and that there are few examples of newly formulated legal entities that would clearly command and focus attention in governance terms.

As part of the former government's plan to open up opportunity through locally based HE and for HEFCE to make decisions to support 20 new HE centres by 2014,<sup>4</sup> subject to receiving high-quality bids, a further six statements of intent made under the NUC invitation have been judged as successful. They can proceed to make a full business case for funding, when appropriate.

Subsumed within the full report on University Centre governance, there are a number of key questions that arise from this study:

- what is a University Centre?
- what exactly is it that is being governed?
- whose governance is it anyway?
- how are Centres performing in effective governance terms against the Good Governance Standard for Public Services?

In setting out its conclusions, the guide is not designed to be prescriptive about governance rules, as these are clear and robustly laid down elsewhere,<sup>5</sup> but rather its aim is to be helpful in sharing lessons learned about how governance is emerging in these new forms of relational activity.

1 Association for Collaborative Provision of Higher Education in Further Education in England  
[www.acp.ac.uk](http://www.acp.ac.uk)

2 *The Ability to Deliver. A Case Study on Existing and Emerging Models of Governance in University Centres.* HEFCE LGM 185

3 DIUS (2008) *A New University Challenge – Unlocking Talent, Annex A.*  
[www.dius.gov.uk/policy/documents/university-challenge.pdf](http://www.dius.gov.uk/policy/documents/university-challenge.pdf)

4 HEFCE 2008/27, (para 7, page 3)

5 e.g. the Committee of University Chairs Code of Practice and the current useful publication Schofield (ed) (2009) *A Review of Governance and Strategic Leadership in English Further Education.* LSIS, AoC.



University Centres range from being a significant multi-million pound entity, securing funds from a variety of sources, employing their own staff, owning their own buildings and possessing a stand-alone identity, through to being configured more simply as a project. The latter may not attract governance attention in respect of the management of risk and making accountability real in the same way as the first might, despite the enhanced resources available through the initiative.

While it is clear that each University Centre is shaped by its particular organisational and regional context and that the governance model reflects this, it is of paramount importance that governors and other stakeholders understand the full implications and responsibilities of the centre and that there is adherence to the common principles of good governance.

### **Who is this guide for?**

This guide aims to highlight the information, issues and lessons learned from emerging practice in this area for governors, clerks and executive members, as well as interested others. The current economic climate is not overly conducive to those contemplating the challenges set out in a NUC and the policy framework, as set out, may well be impacted by the change of government in 2010. However, it is believed the study will have current and future value in understanding the governance issues surrounding people working together and the complex and interdependent issues involved in unlocking the potential of towns and people, in driving economic regeneration and in demonstrating an ability to deliver through inter-organisational and multi-stakeholder working.

### **Useful information**

The guide is available electronically from the LSIS governance site at [www.fegovernance.org](http://www.fegovernance.org) and at [www.lsis.org.uk](http://www.lsis.org.uk)

The full project report is available on both the LFHE and ACP project websites at [www.lfhe.ac.uk/research](http://www.lfhe.ac.uk/research) and [www.acp.ac.uk](http://www.acp.ac.uk)

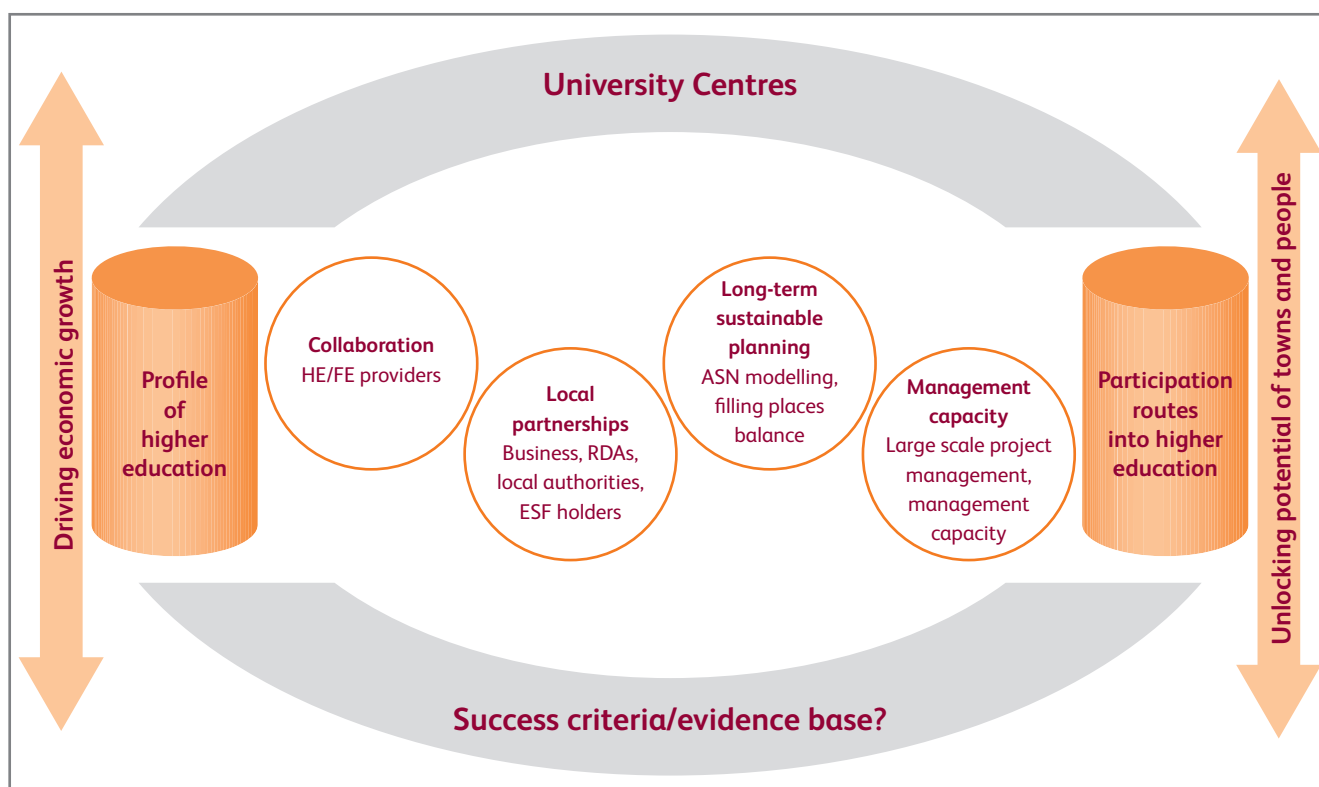
# Background to governance models in existing and emerging University Centres

Against a backdrop of driving economic growth, unlocking the potential of towns and people, widening access, improving participation and increasing the profile of higher education, the government vision for University Centres is one of:

- increasing higher-level skills, particularly for those with no previous HE experience;
- creating a highly skilled workforce with relevant skills for the local business community; and
- supporting appropriate progression arrangements and sustainable demand for studying.

The four circles represented in the diagram below summarise the NUC policy context and show the process by which the vision will be achieved:

- HE and FE providers working together in collaboration
- a range of local partnerships involving a variety of stakeholders
- a demonstration of management capacity, both for long-term sustainable planning and ASN modelling
- the ability to deliver through filling places, achieving a regional balance and large scale project management capacity.



## Why hosted by ACP?

As ACP is a national organisation representing some 46 collaborative partnerships of higher education and further education providers, it seemed both timely and appropriate for the association to host this study to provide an overview, typology and analysis of University Centre governance that could be useful as a future template for designation in meeting *A New University Challenge* and especially as many of its members were either involved in or contemplating such a venture.

## Project methodology

The project methodology started wide, surveying the complete list of centres set out in an annex to *A New University Challenge*, subsequently honing down to visits and interviews with selected case studies. This built on an initial literature review and desk-based research on the policy context and the particular process adaptations required for both a multi-stakeholder approach and inter-organisational working. The remit covered systems and structures, including the nature of the legal entity, the origin and flow of University Centre funding, management of quality assurance mechanisms, methods for collective planning and their responsibilities and added value.

A decision to adapt and apply the survey on *Effective Governance* used some 12 months previously in a joint CUC and LFHE study was made, as this was based on the *Good Governance Standard for Public Services* and would elicit responses to the six core principles identified in that standard, i.e:

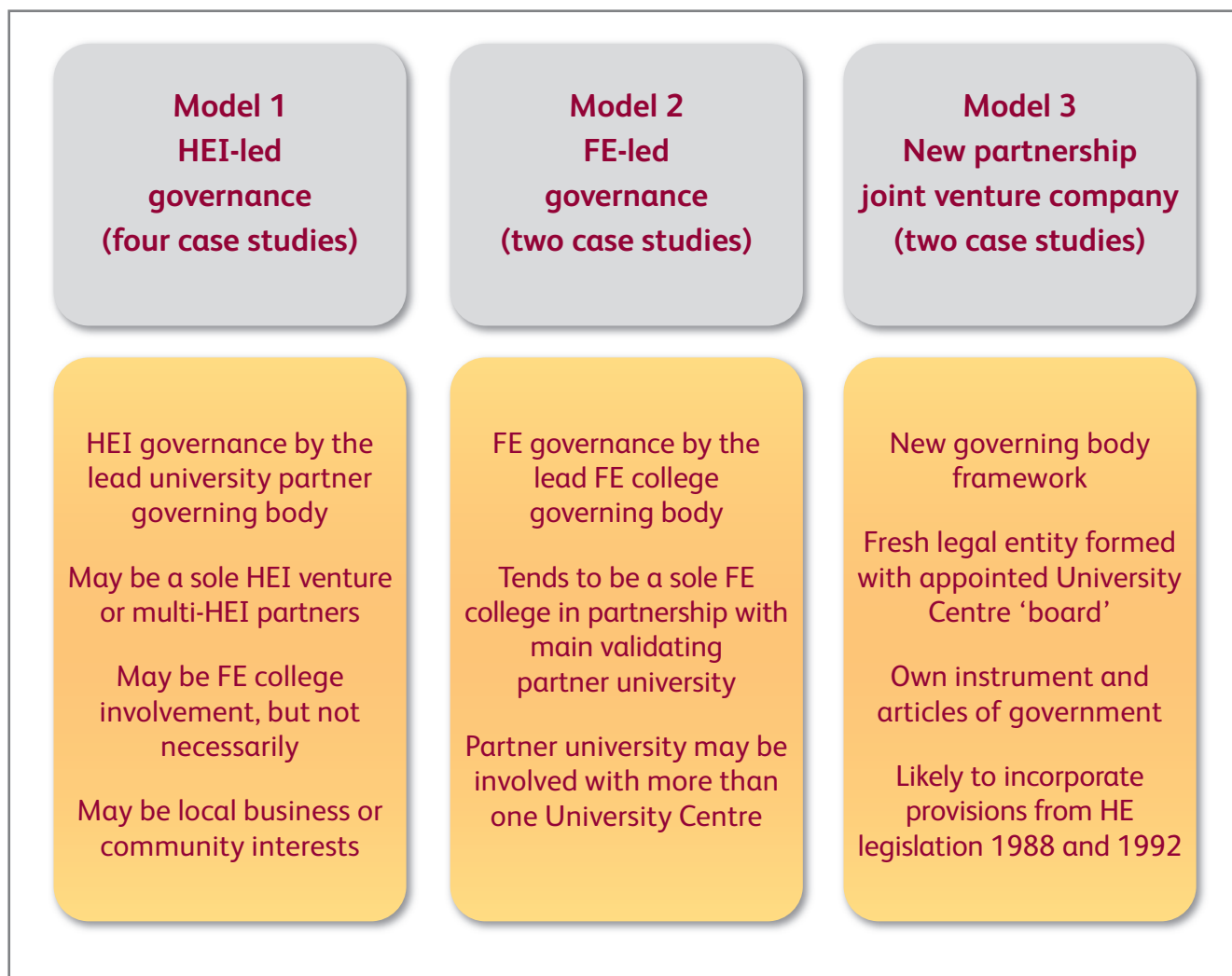
- a focus on organisational purpose and outcomes for citizens and service users
- performing effectively in clearly defined roles and functions
- promoting values and demonstrating good governance through behaviour
- taking informed transparent decisions and managing risk
- developing capacity and capability for an effective governing body
- engaging stakeholders and making accountability real.

It was immediately clear from the response to the survey that there was a degree of confusion about what governance meant in the University Centre context and a number of requests to have offline conversations resulted, rather than pass the survey on to those decision makers and those collectively responsible. In the event, while there was a 98 per cent response rate, only two centres distributed the survey to members of their board.

This suggested a degree of fragility in arrangements and generated multiple conversations that led to the eight case studies illustrating models of governance – a change from the original focus of just three selected institutional case studies.

The dissemination stage and seeking wider input and feedback from ACP members, on both FE and HE policy platforms, has been integral to the study, as well as liaising and having reciprocal steering group membership with the parallel University of Sheffield project, *Leadership, Management & Strategy for HE in FECs: An Expert Programme*.

## Modelling governance in University Centres



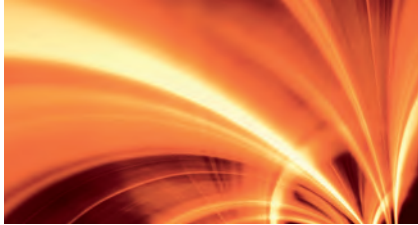
The three models above were identified as the framework within which University Centres could be best understood.

**Model 1 – HEI-led governance** was the most popular structure prevalent and comprised a variant to accommodate the University Centre entity or project. It covered the instance where the University campus was a sole institution venture acting alone, akin to outreach activity (e.g. University Centre, Barnsley or Oldham set up by the University of Huddersfield, or Everton by Liverpool Hope University). It also includes HEI partnerships or HEI and FEC partnerships with others as delivery partners (e.g. University Centre Hastings initially, although this is now solely institutionally driven, or for example, University Centre Folkestone) and embraces more large-scale regional regeneration partnerships, such as the Universities at Medway, the Combined Universities of Cornwall, or the University of Teesside-led initiatives at Middlesbrough, Darlington and Hartlepool.

**Model 2 – FEC-led governance** is where the practice model accords to FE corporation structures. In the case studies investigated, the University Centre governance was described by principals as an “integral” part of the college and as a “one-college operation”. The FE college was the dominant lead and the role of the HEI was seen as developmental, enabling the HE provision with significant numbers of students to move via the new brand and future aspirations to a different level.

The relationship was contrasted with that of the HE franchise model as having more freedom and a more mature relationship, with the university keeping at arm's length. It was further described as one of mutual benefit, where full accountability was achieved through integral governance practices, building on an established and successful pre-existing relationship. The lead HEI often had a relationship with a number of FE colleges and involvement in this capacity with more than one University Centre in a region, establishing a mechanism for the University Centres to meet to share practice, as well as a seat at the table in more formal governance mechanisms of the university.

**Model 3 – New partnership through a joint venture company.** This governance model was anticipated as being the most popular and most attractive to the partnerships. It transpired, however, that commitment to this new form of venture between FECs and HEIs, local authorities, RDAs and business and community partners was not happening as much in practice as had previously been thought. While the advantages of openly and transparently managing legal, financial and reputational risk were obvious, it did not appear to be the preferred governance approach and was adopted in only a minority of cases studied. Those who adopted this model could be characterised as having strong and ambitious organisational motivation, and a strong sense of identity, and wishing to be viewed as an 'entity' separate and distinct from their parent organisations.



## The case studies

Of the eight University Centre case studies chosen, four were HEI governance-led (model 1), two were FE corporation-led (model 2) and two more were exemplars of joint venture companies (model 3).

They were geographically distributed with two in the north-west, one in the north-east, three in the south-east, and two in the eastern region.

## Some facts and figures ...

- HEFCE has invested some £110 million in the 21 University Centres between 2003 and the present.
- Existing University Centres involve some 21 FE colleges and 18 HE institutions.
- In the 2010/11 funding round, some 2,208 ASNs were granted to nine out of the original 21 University Centres conceived and funded between 2003 and 2008. This is despite one view expressed during an interview at an existing University Centre, asking, “*Why is HEFCE contemplating having more children [referring to invitations to bid under A New University Challenge] when it can’t feed the ones it already has?*”
- A further six statements of intent to HEFCE under an NUC may be able to proceed to submitting a full business case when the results of the next comprehensive spending review are known. A seventh has been invited to re-submit.
- At least one of the successful six statements of intent above for a University Centre has announced that it will have to do a U-turn on its plans for the University Centre because of lack of funding.<sup>6</sup>
- Of the FE colleges engaged in University Centres, approximately one-third of existing University Centres and one-third of emerging University Centre Colleges are directly funded by HEFCE.

<sup>6</sup> The University of the West of England’s change of direction on University Centre, Swindon, as reported in the *Guardian*, education section, 23 February 2010.

## Headline findings of governance in practice

In its report, *Governing Partnerships (2005)*, the Audit Commission has highlighted the importance in local partnership governance of the risks as well as opportunities and the importance for clear accountability.

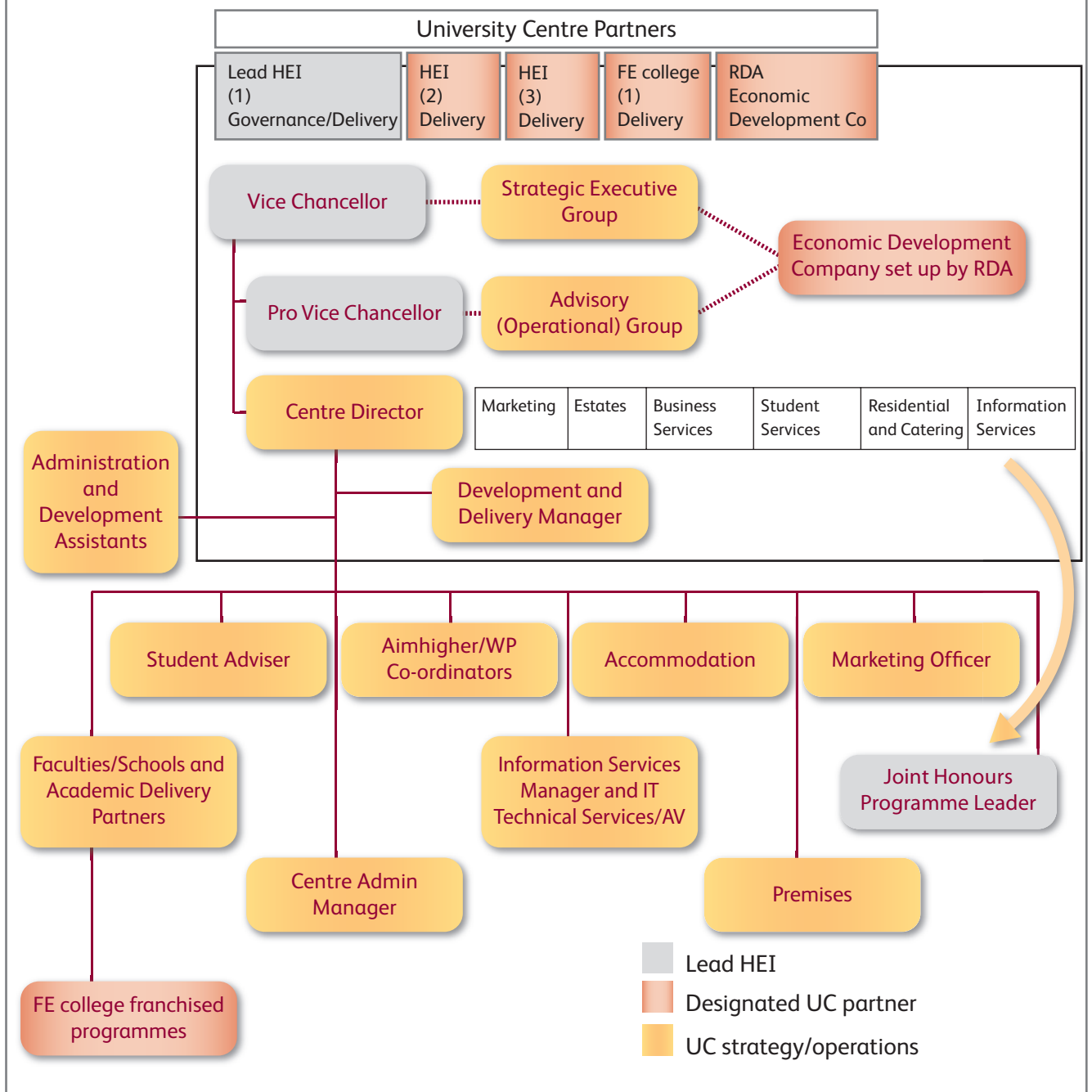
It emphasises that governance arrangements should be proportionate to the risks involved, striking the right balance between protecting the public purse and ensuring value for money and the innovation and flexibility that is sought in pursuing cross-sectoral partnerships.

It was found that there is no governance model of one size fits all and each University Centre is tailored to the particular local and regional context. There are, however, certain common aspects that require commentary:

- **The constituency of the governing body:** the question of whether there are, on the board, those who provide sufficient skill, experience, motivation and diversity of background.
- **Conflict of interest:** whether there is a heightened potential for conflict of interest, because in the quest for partnership representation and knowledgeable members with an understanding of the multi-faceted nature of inter-organisational and cross-sector working, those appointed may bring their sector perspectives, needs and strategic intents.
- **Student representation:** this ranged from the holistic student representation in HEI and FEC-led models not necessarily from the University Centre to an example in the joint venture company where the desire to have a small professional working board had completely omitted student representation (a position now being rectified).
- **Governing the governing body:** all centres investigated had a formal governance document, (ranging from a heads of agreement or memorandum of understanding to company documentation such as a memorandum and articles of association). This variously covered the name, membership matters, roles, meetings, powers, decision-making and risk management, sources of income, apportionments of financial rewards and processes for amendment of partnership rules or exit strategies. There was not always evident a provision for a regular review of the partnership (except in the joint venture company – model 3). There was also a distinct lack of discrete training needs for those particular skills required in University Centre working.
- **Decision-making and risk management:** while there was evident clarity in terms of documentation and intention, in practice there was a guarded response to what was ultimately the responsibility of the governing body and decisions that might be made elsewhere. The main spirit for decision-making was consensus, together with a recognition that the withdrawal of support in a partnership context can have an extremely damaging and disproportionate effect. It was noted that the ability to have in place a mechanism for escalating decision-making back to the parent organisations should a board be unable to make a difficult decision with regard to legal, financial or reputational risk was an added safeguard, although only to be used in exceptional circumstances.

- **Financial management:** due attention had been given to putting in place and agreeing robust financial mechanisms so as to avoid potential damage to the partnership and undermining trust. This is particularly important as the Audit Commission research, *Governing Partnerships – Bridging the Accountability Gap* (2004), showed that of 94 partnerships that had experienced problems, 39 per cent faced risks relating to the absence, or poor operation, of financial controls and governance processes.
- **Performance management:** this is in its infancy in the University Centre organisational context. There was very little evidence of key performance indicators relating to University Centres (with the exception of the formally constituted joint venture companies) and in the majority the main matters being monitored related to RDA-imposed targets such as reaching the target student number and remaining within budget. It would seem that this is an area for more sophisticated development, with encouragement being made for centres to develop key performance indicators, and robust targets and performance benchmarks.
- **Structures:** these varied according to the governance model adopted. An example of one variant of an HEI governance-led University Centre showing how the HEI, the delivery partner FE colleges and the economic development company set up by the regional development agency are represented in the organisational chart, is included overleaf.

## Example of a model 1 University Centre organisation chart



## What's going well?

- There appears to be a consensus approach, driven by an articulated overall vision, that is working well in University Centres set from the inside working out, rather than the outside working in.
- University Centre partnerships are emerging progressively and building on developing relationships – there is no degree of force (although incentivisation?) There is an option to remain as an FE and HE collaborative partnership.
- Evidence of high-profile and top-down commitment communicated to varying degrees via the governance structure.
- Cultural differences between FE and HE do not seem to present a difficulty, and the benefits of the mutuality and the win-win together with (modest) achievable targets within a set timescale seem to be working well.
- Common academic frameworks and clarity about who is making the awards seem to be working well (whether it be a number of providers within the umbrella University Centre or as a joint venture between organisations).
- Some evidence of nascent planning strategies on adding value and the recent addition of FE colleges submitting their HE strategies to HEFCE should give added clarity to the role of a University Centre in its region. However, the caveat is one of managing in a turbulent policy and funding context.

## Areas for more work

- Because University Centres do not appear as yet to command any particular governance treatment, the jury is out on whether their organisation and governance structures are conducive to or inhibit change and what those particular actions are that need to be taken to oil the wheels and meet government agendas.
- It was difficult to determine parity of ownership of the rationale for the University Centre past the underlying rationale, and it is recommended that the opportunities and risks, possible alternatives, exit strategies (with dignity) and how the balances between confidentiality and communication are handled, within what might be understood as traditional governance structures, should be revisited later.
- There is a paradox of bringing on board vested interests but not undermining the responsibility of robust governance structures with senior executive being able to take decisions in the long-term interests of the University Centre (winners and losers).
- The lack of a strategic plan and KPIs that can be effectively monitored link in to the “Are we a project or an entity?” discussion. Whereas KPIs are a key aspect enabling the board to look back and monitor performance, a risk register relating to University Centre activity is also important in terms of legal, financial and reputational risk and essentially anticipates the future.

## Conclusions

### Leadership, management and governance are high priorities in the public sector and continue to be dynamic in further and higher education.

The recent publication, *A Review of Governance and Strategic Leadership in English Further Education*, commissioned and published by LSIS and the Association of Colleges (AoC) in 2009, and sometimes referred to as the Schofield Report after its editor, lists numerous recommendations and proposals for action to enhance governance.

There is also an accompanying guide in this LSIS series, *The role of college governors in relation to HE in FECs*, which provides information to assist FE college governors where there is an HE offer to be clear about their relationship and responsibilities in this regard. More recent still are HEFCE's proposals contained in the Financial Memorandum 2010 and its new role as principal regulator under the Charities Act 2006. All suggest an increased requirement for accountability and probity, while at the same time recognising organisational need to rise to the challenge of being creative and flexible to meet skills and innovation agendas. Specifically, this project has highlighted the requirement for governance practices that should (and in accordance with the Good Governance Standard for Public Services):

- make explicit the inclusion of the University Centre within the educational character and mission of the college;
- ensure that the University Centre is included within defined responsibilities for governors;
- ensure that the values of the institution apply and are demonstrated in relation to the University Centre;
- include clear reference to the University Centre and the specific and particular risks associated with it;
- give consideration to the learner and staff voice matters in relation to the University Centre;
- include reference to and explanation of the University Centre in the development of governance;
- be aware of the possibilities of overlapping interests through crossover representation;
- make provision for an annual review of the character and performance of the partnership to be reported to (a) the college governing body (b) the university senate or equivalent; and
- include oversight of the legal, financial and reputational issues associated with a University Centre.

## Annex A – Mapping University Centre Activity against the Good Governance Standard for Public Services

		Good Governance Standard for Public Services					
		Focus on purpose and outcomes	Define functions and roles	Promoting good governance	Decision making and risk management	Develop capacity of governing body	Engaging stakeholders
Activity in University Centres		1.	2.	3.	4.	5.	6.
1.	FE / HE / local authority membership		✓				
2.	Other business and community membership		✓				
3.	Representation of others in University Centre governance		✓	✓			✓
4.	Heads of agreement, memorandum of understanding, instrument and articles of association	✓	✓				
5.	Commitment to continuous improvement			✓		✓	
6.	Decision making				✓		
7.	Risk management				✓		
8.	Financial management				✓		
9.	Resourcing the governance mechanisms	✓				✓	
10.	Setting clear expectations	✓	✓				
11.	Aligning the interests		✓				
12.	Monitoring the good and the bad	✓		✓		✓	

## Annex B – Emerging University Centres: October 2009

(Six out of 23 successful statements of intent under NUC)

Region	University Centre	Lead HEI
South East	CRAWLEY	University of Brighton
East	MILTON KEYNES	University of Bedfordshire
South West	SOMERSET	Bournemouth University
South West	SWINDON	University of West of England
East	THURROCK	University of Essex
North West	THE WIRRAL	University of Chester

## Annex C – Existing University Centres: 2003–08

(Table A – A New University Challenge<sup>7</sup>)

Region	University Centre	Lead HEI
London	BARKING	University of East London
North West	BARNSELY	University of Huddersfield
North West	BLACKBURN	Lancaster University
North West	BLACKPOOL	Lancaster University
North West	BURNLEY	University of Central Lancashire
North West	CUMBRIA	University of Cumbria
South West	CORNWALL	University of Exeter University College Falmouth University of Plymouth
North East	DARLINGTON	Teesside University
North West	EVERTON	Liverpool Hope University
South East	FOLKESTONE	Canterbury Christchurch University University of Greenwich
East	GRIMSBY	University of Hull
East	HARLOW	Anglia Ruskin University
North East	HARTLEPOOL	Teesside University
South East	HASTINGS	University of Brighton
South East	MEDWAY	University of Greenwich University of Kent Canterbury Christchurch University
North East	MIDDLESBROUGH	Teesside University
South West	NORTH & SOUTH DEVON	University of Plymouth
North West	OLDHAM	University of Huddersfield
East	PETERBOROUGH	Anglia Ruskin University
East	SOUTHEND	University of Essex
East	SUFFOLK	University of East Anglia

7 DIUS (2008) – A New University Challenge – Unlocking Talent, Annex A.

## Annex D – Steering group membership

Roger Bettles	Committee of University Chairs (CUC) Representative <b>Chair at the University of Leicester</b>
Amanda Broughton	Deputy Head of the Faculty HE and Commercial <b>Wigan and Leigh College</b>
David Jenkins (Chair)	Director of Partnerships <b>Staffordshire University</b>
Holly Nicholas	Director of Collaborations, Curriculum Development and Combined Honours <b>London South Bank University</b>
Sue Reece	Director Student Recruitment and Business Partnerships <b>University of Sunderland</b>
Denise Robinson/ alternate Margaret McLay	Deputy Director/Consortium Director PCET Consortium <b>University of Huddersfield</b>
Allan Schofield	Leadership Foundation for Higher Education Representative Lead Governance Consultant: <b>Higher Education Consultancy Group</b>
Colin Williams	Dean – University of Plymouth Colleges <b>University of Plymouth</b>
Daphne Rowlands	Director of Business and General Education Division/Director of HE <b>Mid Kent College</b>
Jane Waldron	Director of Learning; Higher Education <b>Colchester Institute</b>
Anne Thompson	Researcher School of Educational Studies, <b>University of Sheffield</b> , Representative of HE in FECs Project
Ruth Tucker	Policy Adviser <b>HEFCE</b>
Ian Tunbridge	Deputy Vice-Chancellor (Enterprise) <b>Thames Valley University</b>
Carol Flavin	Project Evaluator <b>Flavin Project Innovations Ltd</b>
Sandra Fradley	Secretary to the Steering Group <b>SURF, Staffordshire University</b>
Bethan O’Neil	Project Manager/Lead Researcher <b>ACP HEFCE LGM Project</b>

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- *The Role of the Staff Governor*
- *Governor Recruitment Strategies*
- *College Governance and the Common Inspection Framework 2009.*

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## Learning and Skills Improvement Service

The Learning and Skills Improvement Service (LSIS) aims to accelerate the drive for excellence in the learning and skills sector, building the sector's own capacity to design, commission and deliver improvement and strategic change. LSIS's vision is that every learner acquires the skills, knowledge and appetite for learning, living and working and every provider is valued by their community and employers for their contribution to sustainable social and economic priorities.

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