

## 4. Academic governance and quality

### Introduction and aim

An important consideration is how a provider's academic and corporate governance are linked. Historically, separate Bodies have been responsible for each element of governance. The relationship between Governing Body and Senate (or Academic Board) is examined. The balance of power between the two decision-making Bodies is not fixed, differs between institutions and has evolved over time. It may change again in the future.

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### 1. Historical context

The history of higher education providers can be traced back to Self-Governing Bodies, in which academic staff (scholars) exercised a high degree of power in decision-making. Academic communities in the early providers were responsible for the establishing and regulating standards of academic achievement and the award of qualifications, including degrees. These traditions can be identified in the academic governance of some – but not all – of today's providers. In some providers the approach to decision-making has become more managerial<sup>1</sup>.

### 2. Academic governance

Academic governance encompasses academic matters including student admissions, subject curriculum, assessment of students, academic standards and academic quality. Academic governance can be distinguished from matters of corporate governance – relating to, for example, finance and estates – which are the responsibility of the Governing Body. Matters of academic governance have traditionally been responsibility of the Senate or an equivalent Body (e.g. Academic Board).

### 3. A binary structure to governance?

The existence of separate Bodies responsible for academic and corporate governance typically means that 'public' higher educational providers have a binary structure of governance, with one Body (i.e. Senate or Academic board) being responsible for academic matters and a separate Body (i.e. the Governing Body) being responsible for resources. This does not mean the two Bodies have equal power, or that in some circumstances there has not been a move towards the Governing Body being characterised as the unicameral Body for all strategic and policy matters<sup>2</sup>.

### 4. Working in tandem

Clearly, major decisions are likely to include elements of both academic and corporate government. This requires the academic decision-making Body and Governing Body to work in tandem if effective governance is to be achieved.



## 5. Linking the two

Mechanisms linking the two decision-making Bodies include members of Senate being members of the Governing Body, minutes and papers of Senate meetings being received by the Governing Body and, in some providers, the establishment of joint committees of Senate and the Governing Body. Most significantly, the head of the provider normally chairs Senate, and is a member of the Governing Body.

## 6. Higher education corporations

Higher education providers, formerly under local authority control, were established as higher education corporations (HECs) by the Education Reform Act, 1998, and designated as universities with the passage of the Further and Higher Education Act (FHEA) 1992.

## 7. Pre- and post-92 providers

HECs constituted under FHEA 92 are commonly referred to as post-92 providers, and distinguished from universities established prior to 1992 (pre-92 providers). The constitutional form of the HECs has an important bearing on how the governance of the provider operates.

## 8. Decision-making in HECs

The creation of HECs gave the head of the provider (Chief Executive Officer) considerable formal power, and placed the Academic Board in a 'subordinate position to the Board of Governors'. As a consequence, 'the constitution is more biased to "management" than the constitutions of most of the Senates of chartered universities<sup>3</sup>.'

## 9. Education character

In contrast to chartered providers the Governing Body of a HEC is responsible for 'the determination of the educational character and mission of the University', albeit based on the head of institution 'making proposals to the Governing Body about the education character and mission of the University<sup>4</sup>'.

## 10. A fluctuating balance of power

While the constitutional form of the provider has a bearing on the balance of power between Senates and Governing Bodies, the relative importance of the two Bodies within a provider's system of governance has changed over time. The internal balance of power is contingent on external conditions. The relative power of the Senate and Governing Body has fluctuated as external conditions have changed.

The key factor changing the external conditions has been actions by, or on behalf of, the state<sup>5</sup>. During a period when the formal structures of governance changed little, 'there were significant changes to the balance of authority within those structures<sup>6</sup>.' However, the degree of change in any provider is also influenced by local factors. Further changes to external conditions may impact on the balance of power in the future.

## 11. Codes of government

The most recent revisions to the higher education codes of governance have reinforced the idea that the Governing Body is the provider's sovereign Body. [The Higher Education Code of Governance](#) states, 'the Governing Body is unambiguously and collectively accountable for institutional activities taking all final decisions on matters of fundamental concern within its remit<sup>7</sup>.' Similarly, the [Scottish Code](#) states 'the Governing Body has ultimate responsibility for all the affairs of the Institution<sup>8</sup>.' Both Codes stress that ultimately, decisions lie with the Governing Body.

## 12. Academic assurance

In England the Governing Body's role in relation to academic governance has been made more explicit. The HE Code of Governance contains as one of its seven primary elements the following: 'the Governing Body receives assurance that the academic governance is effective by working with the Senate/Academic Board or equivalent as specified in the governing instruments in order to maintain quality<sup>9</sup>.' By comparison, the Scottish Code does not discuss academic governance or the work of the Senate.

## 13. Recent developments

In last few years, the Governing Bodies of providers in England<sup>10</sup>, Wales<sup>11</sup> and Northern Ireland<sup>12</sup> have been asked to provide assurance to their funding Bodies as to the provider's academic quality and standards. For example, in 2019-20, higher education providers wishing to register with [Office of Students](#) (OfS) are required to satisfy the public interest principles. These include the requirement that 'the Governing Body receives and tests assurance that academic governance is adequate and effective through explicit protocols with the Senate/Academic Board (or equivalent)<sup>13</sup>.' Governing Bodies therefore need to consider what evidence they require to be confident that the provider's academic governance is effective.



## 14. Guidance on gaining assurance

The introduction of a reporting requirement on academic governance was accompanied by the Advance HE conducting research into academic governance, and providing examples of how individual providers were able to provide assurance to their Governing Body<sup>14</sup>.

## 15. Review of academic governance

The introduction of an external reporting requirement regarding academic governance has encouraged some providers to examine whether the focus and work of the Senate does indeed allow an appropriate level of assurance to be given to the Governing Body. As a consequence, some providers have elected to review the workings of Senate and its committees, and to make changes as necessary.

## 16. Academic strategy

An academic strategy is concerned with the provider's academic profile and its teaching and research activities. The content of the strategy might include student numbers, research activity and planned changes to the provider's academic profile; for example, the introduction of a new academic area or closure of a department, including changes to courses, research and enterprise activity. The academic strategy is a central component of the provider's strategic plan, and may be a free-standing, but related, document. A provider's academic strategy should detail the resources required to deliver the strategy, including human resources (staff resources), estates (the built environment) and finance (the ability to finance the strategy).

## 17. Academic standards and quality

Academic standards describe the minimum acceptable level of achievement that a student is required to evidence in order to gain a qualification or be awarded academic credit (part qualification). Linked to academic standards is academic quality. Academic quality is about how well the learning opportunities available to students help them achieve their desired qualification or academic credit. It is the responsibility of the provider to assure both the academic standard and the quality of the provision.

## 18. Risk to reputation and recruitment

Weak academic quality and standards have the potential to impact adversely on a provider's reputation and standing. These in turn are likely to affect student recruitment. Governing Bodies need be alert to the risk, and seek to assure as to academic quality and standards.

## 19. Quality Assurance Agency

The national funding Bodies/regulators of the four UK jurisdictions have a statutory duty to assure and enhance the quality of the provision they fund. To fulfil their duty, an independent Body, the [Quality Assurance Agency \(QAA\)](#), is 'entrusted with monitoring and advising on standards and quality in UK higher education.' QAA is resourced by subscriptions paid by higher education providers and by fees from the UK funding Bodies.

## 20. UK Quality Code for higher education

The reference point for quality across all four national jurisdictions is the [UK Quality Code](#). This provides the 'cornerstone for quality in UK higher education, protecting the public and student interest, and championing UK higher education's world-leading reputation for quality.' The code 'articulates the fundamental principles that should apply to higher education quality across the UK'; emphasizing the role of providers in assuring the quality of the students' learning experience, supporting student engagement and the external referencing in respect of the quality of provision<sup>15</sup>. The quality code is periodically reviewed and updated. The current version of the UK Quality Code was published in March 2018.

## 21. Monitoring of quality

In line with their statutory responsibilities, national funders and regulators, working in collaboration with the QAA, use the quality code to assess the quality of higher education provision. The specific system of monitoring varies across the national jurisdictions of the UK. For example, QAA is designated the [quality Body for England](#). In Scotland the monitoring of quality is undertaken by [QAA Scotland](#), in Wales QAA undertakes a [quality enhancement review and gateway review](#), while in [Northern Ireland](#) QAA works with the Department for the economy.

## 22. Governing Bodies and quality

Governing Bodies need to understand the role of QAA and the process of monitoring and review. Governors should be informed about how the QAA's processes work, and what the provider needs to be able to demonstrate in regard to the quality of student experience it offers. Reports detailing the outcomes to monitoring undertaken by the QAA should be considered by the Governing Body.



## 23. Professional accreditation

Providers offering courses which are aligned with professional or vocational areas may seek accreditation from a professional or industry Body enabling graduates to more easily enter professional training for a specific occupation or industry. Professional accreditation may be of high importance where it enables a graduate to gain part-exemption from the qualification they need to complete in order to gain a professional qualification. Securing accreditation typically involves the provider submitting course documentation to the accreditation Body, who then visits the provider to talk to staff and review the students' work.

## 24. Academic partnerships

The Quality Code applies to all provision leading to a qualification of a degree-awarding Body, regardless of whether it is delivered by the degree-awarding Body, or by another organisation. It therefore includes provision delivered through collaborative partnerships – for example, franchised provision with further education colleges in the UK or a transnational partner overseas. Delivery outside of the UK increases the challenge of assuring academic standards and quality, and generally requires greater care and attention. This is particularly likely when establishing provision for the first time with a provider or at a new location.

## 25. Conclusions

Governance has both academic and corporate elements. The operation of separate decision-making Bodies for academic and corporate governance can lead to differences. More recently, external regulation has tended to strengthen the position of the Governing Body and the head of the provider, in comparison to Senate. However, care needs to be exercised when making generalisations, as local factors can be important when examining how governance works in a particular setting.

## 26. Questions to review

- Q Do governors (and members of Senate) understand the distinction between academic and corporate governance?
- Q How is academic and corporate governance linked in practice?
- Q Is there an academic strategy, and has it been approved by governors?
- Q Are governors aware of the outcomes from the provider's last QAA report?
- Q Do partners deliver provision leading to a qualification awarded by the provider? If so, how is the quality managed?



## End notes and further reading

- <sup>1</sup> See Shattock M (2017), *University governance in flux. The impact of internal pressures on the distribution of authority with British Universities: a synoptic view*. Working paper no.13, February. Centre for Global Higher Education, University College London.
- <sup>2</sup> Shattock M (2012) *Making Policy in British Higher Education 1945-2011*, McGraw-Hill. p.222.
- <sup>3</sup> Farrington D and Palfreyman D (2012), *The Law of Higher Education*, 2<sup>nd</sup> Edition, Oxford University Press, See p.152 and p.154.
- <sup>4</sup> Based on the Articles of Government of a HEC. It is worth noting that the term 'education character' is not defined by the primary legislation. A practical definition of education character might be taken to include the type of higher education offered, the profile of students recruited, the learning environment, and approach to teaching and research. A provider's education character is unlikely, except in exceptional circumstances, to change rapidly or frequently. It is more likely to evolve gradually and incrementally over time.
- <sup>5</sup> See Shattock M (2017) *University governance in flux. The impact of internal pressures on the distribution of authority with British Universities: a synoptic view*. In the paper Shattock traces the changes and fluctuations in the relative power of the Senate and Governing Body since the early years of the twentieth century.
- <sup>6</sup> Shattock (2017), *Ibid*, p.14
- <sup>7</sup> The Higher Education Code of Governance, December 2014 edition, revised June 2018 , p.11.
- <sup>8</sup> The Scottish Code of Good Higher Education Governance, 2017 edition, p.8.
- <sup>9</sup> The Higher Education Code of Governance, p.20.
- <sup>10</sup> See, for example, [Assurance statements about quality and standards from accountable officers for 2017-18](#). HEFCE. Circular Letter 37/2017, 13 October 2017.
- <sup>11</sup> Higher Education Funding Council for Wales, [Quality Assurance Statements for the Governing Bodies of Regulated Institutions](#), Circular W17/O7HE Annex A, April 2017.
- <sup>12</sup> [Northern Ireland Quality Assurance of Higher Education](#), Department for the Economy, 03 July 2018
- <sup>13</sup> Office for Students, [Regulatory Advice 2. Registration of current providers for 2019-20: guidance for providers about the application process](#). Annex E: Public Interest governance principles.
- <sup>14</sup> The work led to key [two publications](#): (1) *Reviewing Academic Governance in Higher Education: a framework*; and (2) *Insight Guide: Governing Bodies and Academic Assurance*.
- <sup>15</sup> UK Quality Code, p.1.

