

Governing well, with and beyond COVID-19

Governance briefing 2020-21

For all higher education governors and governance professionals

—

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Introduction

We have the privilege of working with over 300 Advance HE member higher education providers around the world, supporting their governance and leadership, teaching and equality, diversity and inclusion work. To say that this year has been like no other would be a gross understatement. While higher education is used to ongoing change driven by the evolving needs of its students and stakeholders, coping with a public health emergency has tested our institutions in a number of ways. Whether that is mitigating the impact of changes in student recruitment; making the transition to online learning at breakneck speed; or managing to keep staff and students safe on campus, we have learned so much about the capability and capacity of our sector.

The need for good governance in this context needs little explanation – the ultimate goal of governance to deliver confidence and value for all stakeholders has not changed. Yet it is undeniable that the nature of governance and providing assurance has, indeed, been affected by the pandemic. From the work that we do supporting boards and governors, we have seen a wide range of practice and innovation. We also hear a number of important questions continuing to be asked about how best to manage and deliver governance ‘now’. It is with that in mind that we have developed this briefing. It is intended to help governors and governance professionals navigate the current academic year by drawing on the lessons learned from the COVID-19 response, thinking ahead to the key questions that boards will need to grapple with in the coming months. For institutions which adopt it, we also join the dots to the new version of the HE Code of Governance published by the Committee of University Chairs (CUC).

Context

Advance HE ran a project with its members in May 2020 looking at ‘**Creating Socially Distant Campuses and Education**’ (‘SDCE project’) as a response to the outbreak of coronavirus COVID-19 and the emerging longer term implications for higher education delivery. With over 430 participants from 232 institutions, it provided an in depth insight into the range of practice and issues across higher education in dealing with the COVID-19 pandemic as we approached the 2020-21 academic year. Participants discussed the topic from five main perspectives: induction, quality, inclusion, design and delivery, and space and place. There were also four cross-cutting themes: **wellbeing** – students and staff, mental and physical health and wellbeing; **communication** – with students and staff, including supporting staff development needs; **leadership** – inspiring collective commitment and achieving focus with kindness, care and compassion; **partnership** – ‘working with’ rather than just ‘doing for’ students. The reports from the project can be found [here](#). During the course of the project, a number of critical issues and questions for governors emerged, which we draw upon for this briefing. Indeed, there are a number of areas where there are

clear opportunities to further strengthen higher education governance which were already known to be problematic (see our report for members [Understanding Governance Performance and Future Challenges, April 2020](#)). Having to 'do' governance differently, in order to meet the challenges of the day, may enable us to address some of these issues with greater pace and focus than before.

Before we begin, it is important to note some important operational context for governance. In the UK and Australia, institutions operate under a largely outcomes-based regulatory approach via the Office for Students in England (OfS), Higher Education Funding Council for Wales (HEFCW) Department for the Economy in Northern Ireland, the Scottish Funding Council SFC), and the Tertiary Education Quality and Standards Agency Search (TEQSA) in Australia. While all have their differences in approach and legal set up, what is largely common is that the indicators that are used to view institutions' performance across a range of matters such as quality, student graduate outcomes (attainment and employment) and access and participation are all time-lagged, usually in the range of 12 months to three years. Recent fresh calls to review and potentially abandon the National Student Survey in the UK as a measure of student satisfaction could exacerbate institutions' vulnerability to rises and falls in reputation and profile.

It is also important to note that the financial health as a result of COVID-19 of each and every institution will be different, though there are some common themes such as:

- + significant drops in international student numbers due to travel restrictions
- + reductions in accommodation income from 2019-20 year-end, indeed some will find themselves paying penalties to accommodation partners where guarantees are in place
- + lack of on-campus income from facilities such as food outlets and sports centres
- + possible increases in student 'drop out' rates (decreased retention) as the academic year unfolds, especially if students find their studies more challenging in a mixed modes/blended environment and their wellbeing (or that of their families) is affected from restrictions to day to day activities and the general environment.

This is – in the UK at least – against a backdrop of general financial instability that has been present for several years due to increasing costs, pensions liabilities and reductions in teaching funding in the main as well as planning risks around Brexit, visa regimes and the international market.

These two aspects of operating context – regulation and finances – are particularly important because they highlight, on the one hand the way in which institutions will be held to account in years to come for how well they delivered for the students of today and tomorrow, while on the other, the financial capacity for institutions to meet all demands and obligations upon them, and invest in strategic change, is tighter than ever. Layered on top of this, is the highly competitive environment for students, staff and research.

This all raises three vitally important issues for effective governance right now:

- + The ability of the board (and its committees) to challenge well, now, when the impact upon, and outcomes for, students may not transpire in the data for some time to come.
- + The need to evidence (and communicate appropriately) that challenge and rationale for decision-making clearly and transparently to provide confidence to stakeholders as diverse as students, staff, local authorities and civic partners, public health bodies, regulators and funders.
- + The ability of the board to continue to work well and flexibly with its Executive through effective culture and behaviours as well as processes, as considerable turbulence continues and 'unknowns' emerge.

Ultimately, COVID-19 has shown us the importance of striving to make the best decisions we can with integrity, in the face of expediency. Continuing to get the fundamentals of governance right will underpin this approach.

The new HE Code of Governance ('the Code') was published in September 2020 and sets the tone clearly on all of these points, focussing as it does on the importance of culture, challenge and transparency. While not adopted by all Advance HE members given their diverse forms and locations, it is undoubtedly the guiding code for higher education governance and its principles have clear resonance with those which you would expect to see in a corporate or charitable context. It is adopted by the majority of universities in the UK. Yet any provider needs to ensure that it delivers against the code(s) to which it subscribes *and* meets the requirements of its regulator or national body.

Six key question for governors in 2020-21

So now to our key questions for 2020-21. These have been compiled using our insight gained from the 'Creating Socially Distanced Campuses and Education' project outlined earlier, our governance research, as well as our work with governors and governing bodies on a daily basis. In our view, these are some of the key areas boards need to address this year and where we know more work may be required; some may feel familiar but perhaps the emphasis has shifted; some may be newer to you. We do not, however, focus upon financial sustainability and assurance in this briefing – in our experience this is where boards have relative strength and expertise compared to some other aspects. Internal and external audit functions can also provide further advice on that where required.

There is undoubtedly much detail which underpins each of these; as this is a briefing, we have kept the level of detail relatively high to focus your attention. Where relevant, we link to sources of further information. Advance HE is able to provide more in depth support to governors and boards to explore these matters via our Governor Development Programme, bespoke consultancy support and member benefits.

1. Does our governing body consist of people with a diverse range of characteristics and perspectives to enable us to challenge matters in the round, take sound decisions, innovate and test new strategic thinking?

We know that this has been an ongoing challenge for higher education institutions – as outlined in our recent report [Understanding Governance Performance and Future Challenges in Higher Education](#) We will be publishing a national report] on board diversity in HE shortly and actively continuing to support institutions in their efforts.

The evidence shows us that progress has continued to be made with more appointments of those who identify as female, yet progress with appointing people of colour is slow. There is also very limited data on those appointed with a disability or other protected characteristics indicating this proportion of the governor population is very small indeed. It is important to note however that we are not simply striving for numbers to fill places. This is about ensuring that our governance structures reflect modern society with its richness of lived experiences and talent in order for us to deliver our missions with conviction and authenticity and navigate our position in the world. Many if not all of our members have issues to address such as widening participation of students from different groups; ensuring fair degree outcomes; addressing pay gaps; supporting pipelines of diverse teaching and research talent; connecting with and serving their wider communities. Boards need to be equipped with the range of perspectives to navigate and challenge on these issues to support progress being made. As a governor, it is appropriate to ask how the board will be

strengthened in this regard and how members will be supported to build their confidence and capability to challenge on these matters appropriately.

The **HE Code of Governance** draws particular attention to this in its Six Primary Elements of Higher Education Governance, with number four being Equality, inclusivity and diversity. It states:

“The governing body promotes a positive culture which supports ethical behaviour, equality, inclusivity and diversity across the institution, including in the governing body’s own operation and composition. This includes ensuring under-representation and differences in outcomes are challenged and, where practicable, corrective action is taken to ensure fair outcomes for all”

It goes on to **say** (on page 16), that ‘governing bodies need to review and report on the institution’s approach to equality, inclusivity and diversity...’ (4.3) and that ‘the governing body must routinely reflect on its own composition and consider ways it can encourage diversity in all its forms, thus leading by example’ (4.4).

Actions you/your board could take include:

- + **Setting and reviewing progress against KPIs for equality** within strategic plans, e.g. retention of male students, degree attainment of black, minority and ethnic (BME) students, number and proportion of female professors.
- + **Receiving up-to-date Equality & Diversity data**, with annual or six-monthly reviews. Challenging the institution on areas of under-representation or inequity of outcome for equality groups.
- + **Working with the equality committee or equivalent group**, ensuring an effective link and flow of information between the group and the governing body, and that information received is actively considered by the governing body.
- + **Use equality impact assessment** as a tool for ensuring equality is considered in decision-making, development of strategy, planning and practice. This is obligatory in Scotland and Wales.
- + **Interrogating the executive team about reports on EDI** received by the governing body – looking for evidence of progress and compliance.
- + **Increasing your knowledge of E&D** to enable you to question, challenge and hold the executive to account, e.g. through induction and ongoing training/development, inviting equality staff to present to governing body.
- + **Consulting with the Student Union.**
- + **Better understanding how the organisation’s values embrace diversity and inclusion and reflect behaviours from student to board.**

A range of further information to support this work includes:

1. During October 2020, Advance HE is delivering a range of free-to-access outputs for members under the theme of 'Equality, diversity and inclusion: the critical governance role'.
 - a. The national report on board diversity in HE, with commentary
 - b. A 'Chatham House rules' [roundtable, 22 October](#), for Chairs exploring the assurance role of boards to challenge institutional progress on EDI matters, with a briefing from the discussion
 - c. The launch of a call to fund a research project collating and analysing members' practice to date in diversifying boards and governance structures.
2. This blog, [Valuing diversity starts with governing boards](#) (Victoria Holbrook, *Wonkhe*, May 2020), outlines the need for diverse perspectives in governance to facilitate sound strategy.
3. Kim Ansell's blog, [Integrated thinking – improving diversity and inclusion from student to board](#) (Advance HE, September 2020).
4. '[Culture – the key to good governance](#)' – member benefit webinar recording (Advance HE Connect, April 2020).

2. With the move to online governance arrangements, has our governing body established clear meeting protocols to ensure good engagement, clarity around decision making and sound minute-taking/recording?

The HE Governance Code under Element 5 – Effectiveness, states that '*An effective governing body has a culture where all members can question intelligently, debate constructively, challenge rigorously, decide dispassionately and be sensitive to the views of others both inside and outside governing body meetings*' (5.4). The ways in which boards conduct their business in meetings to enable this is therefore crucial.

It now seems likely that the return to face-to-face meetings will not happen for some time to come. While that remains the case, it is important to reflect on the effectiveness of online meeting arrangements to deliver the effectiveness the HE Code outlines and which all boards should aspire to achieve as good governance generally. In his blog, [Lessons learned so far from the move to online governance](#), published earlier this year, Aaron Porter (Associate Director, Governance at Advance HE) outlined a range of key things to think about including:

1. Encourage using the **chat facility** if members are trying to speak, but have been unsuccessful in being heard or gaining the attention of the Chair. Some online systems have a "**raise your hand**" functionality which is another way of indicating that you would like to speak to draw the attention of the Chair.

2. Where feasible, **invite participants to raise questions and queries in advance** of the meeting, so that questions of clarification of operational detail can be dealt with ahead of time.
3. Given the nature of the present challenge relating to COVID-19, **shorter agendas with a focus on the biggest items** has become more normal. This is helpful for smooth running meetings, but it is worth being explicit that it may have a related impact to shift the traditional boundary between governance and management which should be considered.

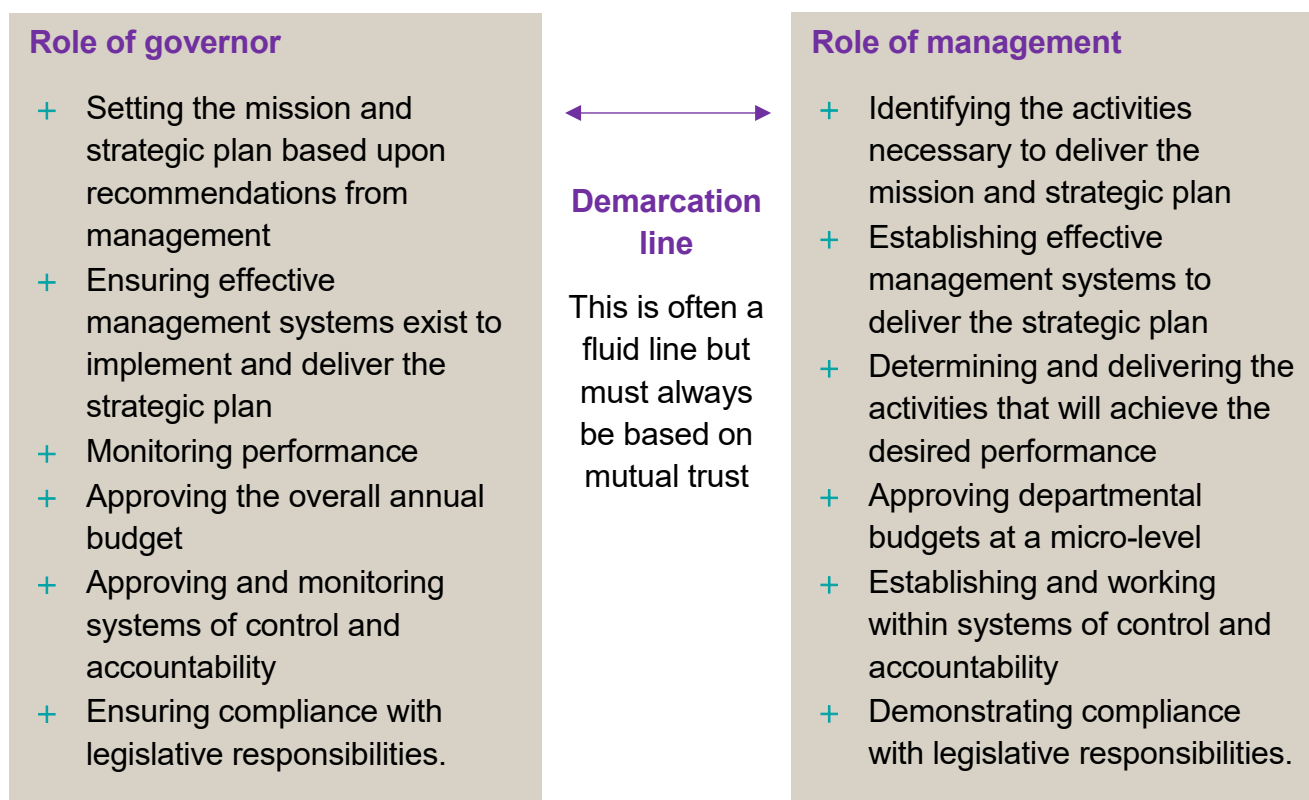
Now that we have become more used to meeting this way, we also observe some common pitfalls:

4. In the absence of the informal 'coffee break' conversations and time on campus, board members may feel more detached from the institution so a range of informal communications e.g. including board members in the circulation of key staff updates from the vice-chancellor, or the Chair providing their own message or update, with regularity seems to be even more important. You could also consider giving half an hour over for informal Q&A outside of a board meeting, or one-to-ones between the Chair and members. Some institutions have systems of dual assurance where board members with relevant expertise take a lead role with an area such as finance, teaching, research or widening access/EDI. Those relationships – and feedback from them – may also be helpful in providing assurance and accurate information to the board.
5. Given the fast pace of change – and associated risks and opportunities – some boards may not be meeting regularly enough. We have seen a trend in increasing the number/frequency of board meetings and, provided they are structured and used well as above, they generally add to a positive culture of assurance and effectiveness with increased dialogue. Some boards have also created additional task groups to assist with key areas, such as digital strategy or student and staff wellbeing.

If you feel that meeting arrangements are not conducive to effectiveness, it is important that you raise this with the secretary or clerk to the board, your Chair or perhaps the senior independent governor if you have one.

3. How is our governing body navigating the governance-management boundary, especially on matters of risk, strategy and transformation?

This is an area which we have many discussions about with governors and boards. Put simply, the question is where is the line between good governance and interference in management? The answer is that it needs to shift to suit the circumstances; be appropriate given your scheme of delegation; and at all times be clearly agreed and understood. It is fundamentally underpinned by good governance culture which fosters openness, trust and no surprises. This table outlines the generally accepted approach:



Broadly, we have seen a slight trend to more ‘hands on’ governance since the beginning of the COVID-19 pandemic, particularly as institutions grappled with the emerging risks and operating environment. Some had ‘gold command’ arrangements or task and finish groups involving some governors with particular expertise alongside senior staff; some boards began to meet on a monthly basis. This has been entirely appropriate to navigate the changing environment. On an ongoing basis, it is worth keeping this under review and considering the issues and occasions when a board may need to be more closely engaged to have and deliver assurance, as well as to share its expertise. In our experience, there are three key areas – overseeing risk, developing strategy, and delivering transformation.

Risk¹, strategy² and transformation

We know that many institutions have taken the opportunity (or necessity) of COVID-19 to stress-test or reformulate their strategies and review their approaches to risk. It is absolutely a key purpose of the governing body to set and agree the mission, strategic vision and values of the institution with the Executive and to ensure effective risk management is in

¹ For a detailed overview see ‘Getting to Grips with Risk’ LFHE, 2009 https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/lfhe/asset_images_docs/research_resources/g2g/G2G%20Risk.pdf_1572865847.pdf

² For a detailed overview see Governance briefing note ‘strategic plan’ <https://www.advancehe.ac.uk/knowledge-hub/governance-briefing-note-10-strategic-plan>

place. Our members have made the following observations about strategy and risk since the advent of COVID-19 in our conversations with them:

1. Close and effective communications and engagement with students and staff, particularly in relation to values and behaviours, has been essential to enabling the introduction of necessary/harder strategic decisions.
2. Reflection that the underpinning values and mission may stay the same (or similar) but having a 20-year strategy was thought ambitious. Others felt that 10 years was realistic, especially in terms of delivery of large projects.
3. The institutional USP was thought to be critical in providing a foundational underpinning to the strategy and refocusing/reminding governors of the evidence for this is helpful.
4. The balance between strategic agility and risk appetite yet still maintaining proper governance mechanisms is still a work in progress.
5. What is the staff/resources capacity for real strategic change? We need to prioritise and recognise the burden people are already under to deliver the essentials.
6. How to find the balance between aspirational KPIs and those that have the potential to be demoralising is challenging – what is the right level of stretch while ensuring that fundamentally we are delivering our purpose?
7. The pandemic has resulted, naturally, in fire-fighting, but we now need to be focussing on other environmental factors e.g. Brexit, mental health and wellbeing, longer-term student value. We should also be planning for future pandemics or other crises!

All institutions have undergone some rapid transformation in some form or another, particularly to teaching and the student experience, and things will evolve further still. This is where board members' expertise may come to the fore. Whether that is implementing a new digital strategy; a campus regeneration plan; developing a new people strategy and embedding EDI – there are areas and times where board members can justifiably get closer to the detail to enable the successful execution of strategy and plans. This might be through chairing or membership of working groups with key staff, mentoring of executive leaders, or enabling access to external resources and expertise (provided there is no conflict of interest or improper conduct in doing so). Ultimately though, it is – as with any aspect of institutional strategic development – the role of governance to have assurance that transformation is happening in accordance with the organisations' values, mission and that the impacts upon all stakeholders are well understood.

On the governance-management boundary, risk and strategy, the HE Governance Code states:

'there needs to be a clear separation of roles and responsibilities between the Executive and the governing body with delegated authorities to the Head of Institution and any committees that exist'. (Element 1 – accountability, 1.6)

'the governing body must be engaged in the development of the institution's strategy and formally approves or endorses the strategic plan in accordance with its constitution and the expectations of stakeholders, including students and staff. It will need assurance that the strategic plan is supported by plans or sub strategies which ensure

there are... [enough resources; effective management of information; resources are used sustainably; policies support delivery in an environmentally sustainable way].

(Element 2 – sustainability 2.2)

‘The governing body’s role is to have oversight of performance and constructively challenge it, encourage quality enhancement, maintain and raise standards, celebrate achievements and learn from difficulties’. (Element 2 – sustainability 2.3)

‘the governing body needs assurance that...there is an effective and proactive system of risk management in place by which risks are rigorously assessed, understood and effectively managed across the organisation’ (Element 2 – sustainability 2.6)

‘the governing body needs to focus on strategic risks and emerging opportunities for the institution and have enough flexibility to respond to these quickly and effectively’ Element 5 –effectiveness 5.6).

The simplest recommendation is twofold and relates to RACI practice (responsibility, accountability, consult and inform):

- + Have absolute clarity about which committee holds **accountability** for risk and ensure that the board is consulting regularly with them, be it the Finance (and Risk) Committee, the Audit (and Risk) committee, or elsewhere.
- + Ensure that the entire board and all of its committees are **responsible** for considering risk and that communication is holistic and joined up.

Further information to support you includes:

1. Understanding resilient strategies and navigating change from a range of perspectives within and beyond HE, at our Governance conference in November.
2. Member benefit work in 2021 looking at the governor role in assuring transformation from the perspectives of organisational and people development.
3. This [video on board culture and governance](#) which explores the governance – management interface.
4. Our guidance (funded by the Scottish Funding Council) on [Strategic Equality Impact Assessments – overview for leaders and governors](#).

4. What are the implications of the current environment for the academic governance and assurance of quality of the student experience for all students?

It is important to remember that the governing body remains ultimately accountable for assuring quality and standards, even if the heavy lifting and operational responsibility is delegated to a senate or academic board. Institutions in England commit to testing and

signing off academic assurances as part of their ongoing registration with the Office for Students.

The HE Code – with its renewed emphasis on challenge and oversight of performance – states that:

‘...the governing body must actively seek and receive assurance on academic standards and integrity of academic qualifications, and will work with the Senate/Academic Board (or equivalent, as specified in their governing instruments) to maintain standards and continuously improve quality. Governing bodies will also wish to receive assurance that specific academic risk (such as those involving partnerships and collaborations, recruitment and retention, data provision, quality assurance and research integrity) are being effectively managed’ (Element 2 – sustainability 2.5)

The HE Code in section 4.3 also sets out the need for the institution to report on equality, diversity and inclusion in its annual monitoring report, which should include differential educational outcomes by protected groups.

Yet we know from our SDCE project and subsequent work with our members that this academic year is unlike any other. Seeking, receiving and giving assurances about academic governance and the broader student experience is going to be particularly challenging in a number of ways:

1. The examinations awards crisis in the UK in summer 2020 means that many students were admitted on the basis of predicted/teacher-assessed grades. We may not have a wholly accurate picture of students’ performance [we never do – many factors affect actual attainment - but this has surely exacerbated the situation].
2. In some institutions, this has also meant far larger teaching groups than had been planned for as providers were obliged to accept applicants who subsequently met their offer after the late decision was made to accept predicted/teacher-assessed grades instead of those awarded ‘officially’.
3. There are time lags in student outcomes and survey data which mean that issues affecting individual or intersecting groups of students can be difficult to spot and may not ‘show up’ for years to come.
4. The National Student Survey (NSS) which captures insight on the ‘student satisfaction’ of final year students in the UK is being reviewed with the OfS (which runs it) advising that institutions do not need to market it to the respondents in 20-21- meaning lower response rates.
5. The changes to pedagogy or practice given the shift to online and blended teaching and learning (as well as challenges to deliver placements, practical training or research/lab space) mean that comparing student outcomes/organisational performance data to previous years will be impractical.
6. We know that students – and staff – will be under immense pressures to try to preserve their wellbeing as well as cope with family life, study and work. There will likely be increased turbulence in student retention/attendance (and staff sickness rates or turnover which may affect continuity of delivery) as well as increased pressures on wellbeing and support services.

In this context governors will want to ask many of the following questions. These may feel quite detailed, but they are set out in the spirit of ensuring that governors can demonstrate they have tested assurances (merely than receiving them) and exercised a duty of care:

1. How confident are we that we can gauge students' additional needs or support requirements early on and on an ongoing basis, especially given the changes to admissions this year?³
2. What are the ways in which we are regularly already taking the temperature across our student populations and how is that information is being used to guide improvements to what we are doing? How do we know that students feel connected and like they 'belong' here?⁴
3. When we know that COVID-19 presents particular challenges and risks for different groups - how are we identifying and managing the risks and ensuring support for these groups, both for academic and wellbeing support? The governing body should seek assurance that this is understood and being actioned given the potential impact upon academic outcomes, for:
 - + those from BAME backgrounds
 - + care-leavers
 - + carers/care-givers
 - + estranged students
 - + disabled students
 - + 'commuter' students
 - + those with additional learning needs
 - + those with mental health issues including anxiety and depression
 - + those without access to stable wifi, a computer/adequate technology or a place to study.
4. In what ways are the Students' Union or other student representative groups being engaged in policy and practice development to help deliver the best academic and overall experience possible, and manage our collective strategic risks together as collaborative partners? This includes ensuring clear communications with and for the student body.
5. Do Senate or academic board minutes/reports capture the full nature of the discussions which are taking place and the decisions made to give us ongoing assurance? Do they make clear our anticipation of, and response to, the needs of different groups of students in a sophisticated rather than homogenous way?
6. Where we rely on student success indicators (including the NSS) for assessing our performance against our KPIs and league table positions, do we need to adjust our targets or consider other ways of improving our evidence, which we can then use to communicate with stakeholders?

³ See our report 'Exceptional Transitions into Higher Education' <https://www.advance-he.ac.uk/news-and-views/exceptional-transitions-higher-education> (September 2020)

⁴ We know that creating a sense of belonging is vital to student success and there has been much academic research in this area such as the Paul Hamlyn Foundation funded What Works programme

7. Are we investing sufficient resources in ensuring the academic and wider student experience is as fulfilling and supportive as possible (including support for wellbeing, pastoral and other practical support services such as IT)?

Further information on academic governance and assurance can be found [here](#).

We will be focusing in more detail on how to provide academic governance and assurance in the context of COVID later in the year and will share more details with governors in due course.

5. Do we understand (and can manage) the implications for staff of the new delivery and working environment?

We observe that institutions that have a separate workforce/people/Human Resource/Employment committee have found this focus most valuable, particularly with respect to evaluating risk to staff and risk about staff in the context of a duty of care. These committees can advise or be a sounding board about strategic issues relating to the institution's people, around capacity, wellbeing, staff engagement, diversity and inclusion and sometimes issues relating to teaching quality (i.e. infrastructure and development matters) Some health and safety committees have also expanded their remit in recent years to include wellbeing.

If you do not have that emphasis in your governance structure to provide assurance to the board, you could ask:

1. Where and how statutory obligations e.g. health and safety, safeguarding etc are being considered and the assurance they can provide to the board about how risks are identified and managed.
2. How a digital transformation strategy makes provision for staff development and training with sufficient resources, and how performance will be measured and managed in this context.
3. How the equality implications of returning to work/campus may be managed⁵ for different groups.
4. Whether we have adequate mechanisms and reporting channels to capture staff feedback and feelings (and use this to improve conditions).
5. How any restructuring or financial efficiency measures will affect staff capacity and KPIs in a holistic sense.

⁵ See our report 'Safe (r) for staff? Equality implications for re-opening campuses in the COVID era' (September 2020) <https://www.advance-he.ac.uk/knowledge-hub/safer-staff-equality-implications-reopening-he-campuses-COVID-era>

The HE Code of Governance is relatively quiet on matters regarding staff, though it does note the need for ‘meaningful engagement with relevant stakeholders (especially...staff)...’ (Objectives, page 7) and ‘the governing body needs assurance of regular, effective two-way communication with...staff... and must be advised of any major issues arising’ (Element 6 – engagement 6.2). Instead, it is implicit that matters regarding the effective use and support of staff – as well as engagement with them – are covered in the element of Sustainability, which in sections 2.2 -2.4 outlines the board’s role in seeking assurance about the effective delivery and management of strategy and risk.

Further information:

- + We will be exploring the theme of ‘successful transformation’ during 2020-21 with our members, identifying and sharing the governance insights that will help you in this regard.
- + Strategic Equality Impact Assessments are an effective way to translate values into action when implementing change and to ensure no group is adversely affected – see this blog [Implementing an effective Strategic Equality Impact Assessment \(SEIA\)](#) by David Bass.
- + There is also [‘Getting to grips with Safeguarding: A guide for governors](#) which discusses both safeguarding and the duty of care.

6. Are we engaging and communicating effectively with our stakeholders?

This is our last question because it underlines the work of an effective board and institution in many ways.

Engagement, as outlined above, is a key part of the HE Code, set out under Element 6. Our experience tells us that this an area that can be hard for boards to gauge well and not routinely considered.

There are a number of imperatives around effective stakeholder engagement in the current environment:

1. The need to refine and develop strategy and performance measures.
2. The need for transparency to improve confidence in institutions of all kinds.
3. The emphasis upon civic or local community responsibilities⁶ and articulating value and impact to society.
4. The need to manage relationships with unions during periods of transformation.
5. And not least, the need to collaborate over public health emergency planning and responses.

⁶ There are particular legislative duties upon institutions in Wales with the Future Generations Act and in Scotland with the Fairer Scotland Duty

In order to address these, institutions need to have identified and understood their stakeholders and how they need to work with them; that may sound obvious however sometimes there is not a shared understanding of this which can impede the way in which work is undertaken. Having a shared understanding of the institutions' stakeholders is also a prerequisite to having a sophisticated risk management approach. And to go one step further drawing on the governance methodology of 'integrated thinking and reporting', this also enables a holistic approach to communicating the value and impact of the institution⁷, as well as providing a clear structure for governors and leaders to follow.

Promoting impact is emphasised in the HE Code:

'The governing body must promote and ensure the social, cultural, economic and environmental impact of the institution, and ensure that institutional success and achievements are reported to stakeholders.' (Element 6 – engagement 6.3)

A major focus of stakeholder engagement right now is of course around managing the COVID 19 pandemic, collaborating often in new ways with local authorities and public health bodies for example on testing or 'track and trace'. Related to this is effective communication around the practicalities for students and staff on and off campus – this is a work in progress. We would not expect governors to be engaging in this level of detail fully but there should be confidence that stakeholders understand their responsibilities and how systems work to protect them and others.

Key questions governors will wish to ask around stakeholder engagement this year are:

1. Are we confident we understand our stakeholders right now, and what they need from us?
2. How well are we working with our Students' Union/staff unions as partners given the pressures on the academic and student experience? Are we joined up on key messages or understand where they are different and why?
3. How do we know what impact our communication and engagement is having for different stakeholders?
4. How might the board help with stakeholder relationships and articulating the value of the institution?
5. How are we anticipating/assessing the impact of changes we make upon different groups?
6. How are we demonstrating in our approach to stakeholder engagement that we are living our values?

More information about integrated thinking and reporting including a blog 'putting stakeholders at the heart of value creation' can be found at [here](#).

⁷ Top tips for integrated thinking and reporting – articulating institutional value

Summary of Advance HE's support for governors

As the sector navigates the new normal, it is vital governing bodies are enabled to meet challenges their institutions face. As well as **individual governor development**, we can provide **tailored services** to universities, private providers or further education colleges offering HE to review **governance effectiveness** and **academic governance provision**.

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⁸ Affiliate members tend to be small, non-traditional, specialist or college based HE providers

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