



# Abertay University

Governance Effectiveness Review  
Final Report

—

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## 1. Introduction

Abertay University is a modern, pioneering, and ambitious university with around 4,500 students. With a strong and evolutionary tradition of preparing students for the industries and jobs of the modern world, Abertay has made its mark with high-quality, well-directed teaching and research which, in turn, provides a stimulating and enriching experience for our students.

The University is a higher education institute created under the provisions of the Further and Higher Education (Scotland) Act 1992. Its structure of governance is laid down in the statutory instrument – The University of Abertay Dundee (Scotland) Order of Council 2019. The University is registered with the Office of the Scottish Charity Regulator (SC016040).

The University's governing body is the Court of Abertay University, and as set out in the terms of the Scottish Code of Good HE Governance – is required to review the effectiveness of Court and its committees by undertaking an externally-facilitated evaluation of its effectiveness normally not less than every five years as well as keeping its effectiveness under annual review. The last review was undertaken in 2017.

Our review took place at an important time for the university, with the retirement of the previous Principal and the appointment of Professor Liz Bacon (previously Deputy Principal). This review also came at a particularly momentous time for higher education and wider society. The enormous and concurrent challenges — the longer term impact of the pandemic, moves to hybrid working, imperatives of racial justice, prevalence of harassment in HE, Brexit, regulatory changes, cyber security and risk, attention to staff and student mental health and wellbeing, financial pressures — all place heavy demands on any governing body.

## 2. Executive Summary

Overall we found governance to be effective at Abertay University with a strong commitment for ongoing improvement. It is enabled by robust practices, policies and processes and realised through a Court and wider governance structure that is generally fit for purpose and clearly committed to the institution's long term success.

The university is at an important point of transition with the appointment of a new Principal, Professor Liz Bacon (previously Deputy Principal) and there have been recent changes to the composition and structure of the senior team. There has also been a recent change after the departure of the University Secretary and other reforms to the governance team, which taken together with changes to the senior team, means that the university and Court specifically is adjusting to a refreshed approach and new support. These changes appear to be bedding in well, but those new in role will need to be given time in role to settle. The new Principal is also leading a strategy reflection to ensure that the current strategy is serving the university well. This has been welcomed by Court and members' engagement will be important to ensure that the institution remains on an appropriate trajectory which can then be monitored.

Whilst our review should provide confidence to Court that the fundamentals are in place and there are solid foundations of good governance, there are nonetheless **9 recommendations and 6 suggestions** for further improvement.

The most significant of these recommendations relates to **the boundary between governance and management** (recommendations 1 and 2). At present there is not a shared view about whether this boundary is drawn appropriately. This came through prominently in interviews and was backed up by both Court and committee observation. We believe it is important this is addressed openly at Court, with a facilitated session so that the refreshed strategy together with KPIs can then act as an anchor to help guide oversight and scrutiny. Other recommendations relate to making **further progress and improvement on matters concerning equality, diversity and inclusion** (recommendations 7, 8 & 9) and also overhauling and personalising the **approach to support, training and induction** for Court members (recommendations 5 & 6).

We would invite Court to consider each recommendation and suggestion in turn to consider which you would like to implement (and which you would not) and to then monitor the progress of the recommendations you wish to pursue.

## 3. Main Findings

### 3.1 Boundary between governance and management

The boundary between governance and management is not black and white and where that line is drawn varies across institutions depending on their history, performance, current context and personalities involved. The boundary has also needed to change over time in response to a more demanding Scottish regulatory environment. That said, there are fundamental roles which the Court (governance) and the management perform, and it is crucial that they respect that boundary.

It was clear in interviews that there is not a shared view between Court (and amongst Court members) and the Executive about whether this boundary is appropriately managed at Abertay. In broad terms some members of Court felt too distant from matters they considered to be important and the Executive felt that Court wished to be drawn too closely to matters of operational detail. Navigating this boundary has been further complicated by some historic issues which the university has faced, resulting in some loss of confidence from certain Court members which has resulted in them drilling into levels of detail that would not otherwise have been the case.

However, the appointment of a new Principal, together with an opportunity to reflect on the progress to date on the university strategy and the strengthening of the governance team following recent changes should provide the basis for a more conventional boundary between governance and management. In the survey, whilst 79% agreed that, “*Discussions at and decisions made by the governing body are informed and challenged by different perspectives and ideas*” (question 16) this scored -10% below the sector benchmark. When this was unpacked in a number of interviews, it was felt that challenge was “not always done well” and sometimes veered between being too intrusive at times and then insufficient at others.

We would invite the Court and the Executive to set up a facilitated session to explore in depth Court (including Committees of Court) and Executive views on the interface between governance and management, how it has been handled in the past and crucially agree how it should be handled in future.

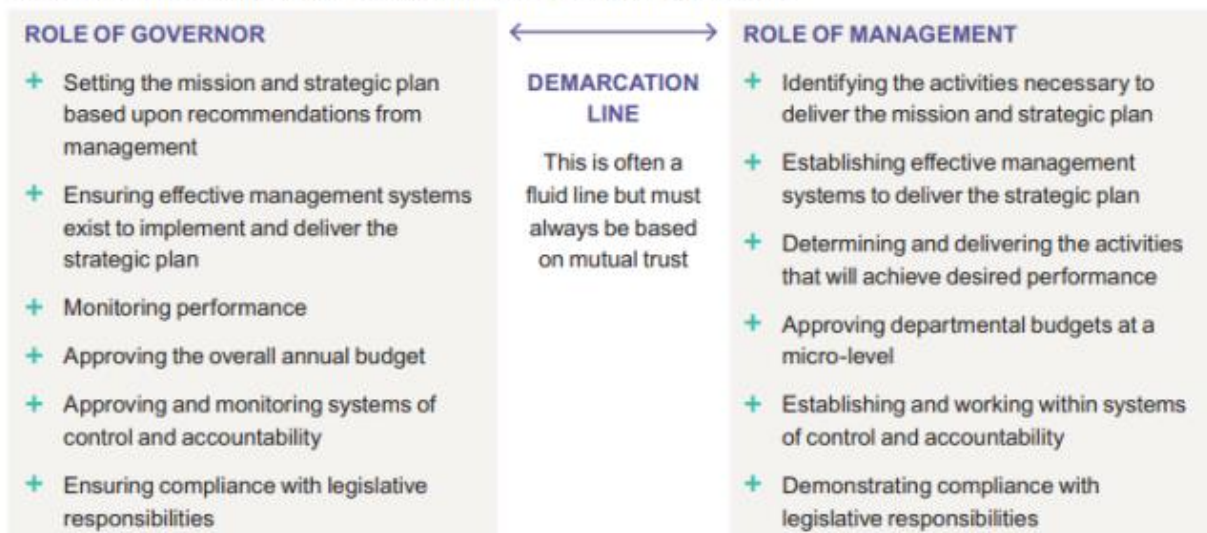
The phrase, “noses in, fingers out” is often used in governance literature for the role that a Board should perform. Court should be interested in, and receive information on the performance of the institution and the risks that it might face, but attention should be paid by them and the executive, to keep their ‘fingers’ out of the operation. Utilising the strategy and associated Key Performance Indicators should provide the framework for the Court to re-set structure their interface with the management. Discussion should take place to determine the acceptable level of scrutiny and challenge from Court. The more

detailed scrutiny by the Audit and Risk committee, together with a wider Court level discussion about risk appetite should also provide some added assurance about where to focus attention. Where performance is on track this should provide the reassurance that extra scrutiny is not required and instead attention should focus on areas where performance is below the agreed targets. How this scrutiny is undertaken should still rely on the Executive offering detail on mitigation, proposed actions to change course and the impact on the strategic aims of the institution rather than these needing to come from Court itself.

We would point out that that Court members were highly complementary about the Chair, and this was also backed up by our observation. In the survey, 100% of respondents agreed that, “Governing body meetings and business are conducted and chaired in a way which encourages the active involvement of all members in discussions and decision-making” which supports our finding that there is a very strong foundation to work from.

To support Abertay’s thinking about how to come to a mutually agreed position on this boundary, it will be helpful to secure a clearer and shared understanding about the respective roles of the Court and the management. The Advance HE induction guidance offers the following:

## Advance HE Role of the Governor and of Management



## Recommendations

1. Establish a facilitated session for Court and the Executive to mutually explore where the boundary between governance and management has been set previously and crucially where it should be set and managed in future.



2. The Strategy and Key Performance Indicators should act as a guide to Court members to base the degree of their scrutiny they wish to undertake (with a focus on deviation against agreed strategic objectives and performance measures).

### 3.2 Strategy and performance

We heard in interview and observed in our review of papers that the [Strategic Plan \(2020-2025\)](#) was important in setting the priorities for the university and the Court specifically. Of course shortly after the strategy was initiated, the institution was impacted by the pandemic and this had a significant impact on the focus of the university, of Court and the ability to meet some of the strategic ambitions which were originally envisaged. Specifically, for an 18 month period at the start to the strategy, there was a necessary focus on more immediate concerns brought about by the pandemic, rather than some of the longer term objectives.

The new Principal is reflecting on the strategy (now at its mid-point) and the associated KPIs. This is clearly timely and has been widely endorsed by members of Court and the Executive as a valuable precursor before work begins on developing the next strategy commencing from 2025. Ensuring that the strategy remains fit for purpose for the remaining 2.5 years it is set to run will be important to ensure that it retains its prominence in shaping the approach of Court and the university more widely.

As is already planned, the strategy reflection should include engagement with Court to gauge views on any areas where the strategy and associated KPIs may need to be refined. Once any changes are agreed and signed off by the Court, it will be important that for the remainder of the strategy Court resist the temptation to unduly revisit/unpick the strategic priorities and agreed performance ambitions of the university.

The Court can bring vital challenge to a strategy review and can help to place the direction of the university in a wider context. Several members of Court interviewed expressed the desire for Court to be more fully engaged in discussing substantive items - such emerging SFC plans for strengthening links with FE, links with other Scottish HEIs, a future growth strategy and longer term scenario planning).

#### **Suggestion**

- A. Following the reflection on the university strategy, consider whether the associated Key Performance Indicators need updating.
- B. Suggest setting up a discussion of the opportunities for Court to focus more on big challenges and risks (including looking at the annual Court Conference so that it adds more value).



### 3.3 Academic quality, engagement and oversight

Observations of Court, its committees and interviews with key stakeholders demonstrates an effective, professional and energetic Court. There was clear added value in Committee discussion of issues. In recent years there have been some occasions where Committee members feel that their suggestions and recommendations have not been taken seriously. In our view recent changes in the administrative services have improved relationships and given more confidence to committee members.

Independent Court members are drawn from a large number of sectors including the NHS & civil service, charities, the legal profession, SMEs and multi-nationals. The Court also benefits from a comparatively large number of members with a background in FE and HE spanning the academy, management and professional services.

In the survey the breadth of different perspectives and ideas did not score that highly (below the benchmark). It is our view that there is considerable diversity of thought and approaches on the Court but often these perspectives are not expressed. One of the strengths of an effective Governing Body is the breadth of expertise and perspectives which independent members can bring. It is therefore important, as far as possible, to establish a culture where all members feel confident to contribute and to keep the range of independent members so that a variety of perspectives and insight can come to bear on issues.

In addition to the independent members there are three elected staff members, two Trade Union members and two Student members. When effectively supported and inducted such members can bring an important perspective to Court. There is an opportunity to provide improved support through providing a more tailored induction to empower them as Court members (see recommendation 6 in section 3.5). In the survey, 89% agree that *“There are effective arrangements in place for involving staff and students in the governing body”* which supports our view that whilst this is done well at present, there is still some room for slight improvement, especially in relation to induction and training (more detail in section 3.5).

The scheme of delegation works well and is reviewed annually. The University is conforming to the Scottish Funding Council Code of Good Governance 2017 and this is evidenced by its own self-assessment and mapping. The Court Committees observed (Finance and Corporate Planning and Governance and Nominations committee) were thorough, focussed and performed an effective role of discussion, monitoring performance and challenge of university strategy. We were told that the Chairs Committee performed a useful role of agenda setting and coordination. It was unclear whether the Court sub-committees were permanent committees and where the University

responsibilities for Health and Safety lay. The public (and university facing) website was not up to date and more could be done to profile university governance and the opportunities to support the university.

The Court appropriately receives the Committee recommendations and has an opportunity to ask questions about detailed issues but it is important that decisions taken by the Committees are not unpicked in full Court. In interview it was raised (albeit only on a couple of occasions) that decisions seemingly taken by a committee were opened up again at Court. Whilst Court is able to do this, it relates to the wider points made clarity about decision making and also the link between the boundary between governance and management (set out in section 3.1).

The Court is part of an eco-system with the wider university and an understanding of Senate as the body with the responsibility for the academic governance framework. Getting the appropriate balance between a Governing Body and Senate always requires careful thought and guidance. Court members and Senators are invited to attend each others meetings as observers and four Court members had attended Senate in the recent period. This should be supplemented by facilitating an exchange of views between the internal and lay members. In order to further strengthen the link between academic and corporate governance we will suggest at periodic intervals (perhaps once a year) there is an opportunity to bring together Court and Senate. This would not be for a formal business meeting, instead it would be an opportunity to build links, brief one another on activity and priorities and engage in strategic discussion about the future of the university.

## **Recommendations:**

3. In order to maintain and further strengthen the breadth of voices and experience, Nominations Committee should continue to actively seek a range of perspectives in Court and committee membership to address the breadth of skills required (more detail on diversity in section 3.6).

4. Review, update and thereafter maintain the outward facing information about Court on the university website.

## **Suggestion:**

C. Invite Court and Senate to come together annually to build stronger links, brief one another on priorities and engage in strategic discussion about the future of the university.

### 3.4 Board papers and secretariat

The University has experienced considerable flux in its governance support over the last two years. This has been compounded (as in many organisations) by staff turnover and the departure of a long serving University Secretary. As far as we can see while staffing issues might have led to a delay in minutes being circulated and a lack of clarity in some of the paperwork, it has not undermined governance effectiveness – though it has demonstrated the importance of timing, well supported Boards and Committees and tracking linkages across Committees. The University responded to the changes in the governance team by appointing an experienced University Secretary in a temporary role. A recent shift in portfolios among the Executive team has led to a change in role of the Vice-Principal and Pro Vice-Chancellor (Strategy and Planning), who has additionally taken on the roles of University Secretary. He role now being Vice Principal (Strategy and Governance) and University Secretary.

The paperwork that we reviewed was clear, focussed and helpful with an appropriate level of detail for full Court to discuss and approve.

### 3.5 Training, development and induction

The induction and support provided to Court members following appointment is a crucial component of governor development. Equally ongoing training and development for all Court members should be regarded as a reasonable expectation at periodic intervals during the remainder of the term for a Court member.

In interview Court members offered very mixed views about the extent to which induction and training for members at Abertay was appropriate. In the e-survey, the scores in relation to induction was the poorest scoring area at Abertay. In interview, the reasons cited for the poor scores in relation to induction varied. Some members cited the disruption caused by the pandemic and the inability to engage with the university in person, whereas for others the content and structure of induction was criticised. Taken together, there is a clear need to revisit and rework the approach to induction.

Q		% Agree	Difference to benchmark
14.1	The induction of governing body members is: Effectively managed	63%	-17%
14.2	The induction of governing body members is: Relevant	63%	-16%
14.4	The induction of governing body members is: Tailored to individual need	37%	-17%

14.2	The induction of governing body members is: Periodically evaluated	32%	-10%
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More generally, university governing bodies are moving away from seeing induction as one-off training at the point of joining of a Court, instead induction is more regularly being seen as something that ought to be offered in bite-sized chunks over a 12 – 18 month period with deliberate thought given to information best delivered before starting on Court, what is best delivered after attending 1 or 2 meetings and what can be delivered once a full cycle of meetings has been delivered and a governor is beginning their second year.

For students, and to some degree staff Court members, a different approach to induction and training is required. Partly because the starting point of knowledge for staff and student Court members is usually different (a better understanding of the university itself and usually higher education policy more generally, but usually less aware of elements of corporate governance). For student governors in particular as they usually only serve for 1 year, their induction needs to be more concentrated and we would invite crucial content to be delivered before they officially start in role.

More generally, it was felt that more attention could also be placed on ongoing training and development for all Court members. Effective practice in many universities is for the Chair to meet each Court members once a year to discuss development opportunities which could mean the opportunity to work on a different committee. As the new Principal settles into her role she has initiated a round of one to one meetings with Court members and it may be worthwhile to ensure this takes place at least every 2 years. The extent to which development opportunities are taken up is quite varied, and it was felt that there could be a more concerted effort to encourage and invite Court members to try and undertake at least one development opportunity at least annually.

It became clear in our review that many Court members would welcome opportunities to get to know their fellow members better. One consequence of virtual meetings has been that Court members have little or no social or intellectual engagements across the Court.

## Recommendations

5. Overhaul the current approach to induction for new Court members, with a more personalised approach for each Court member based on their existing strengths and

development areas. Induction should be structured into bite sized chunks spaced out over 12-18 months.

6. Develop a bespoke and tailored approach for induction and training for staff and student Court members to reflect the different starting point they have.

## Suggestions

D. Invite every Court member to undertake one development opportunity at least once a year.

E. Consider a buddying system between new and existing members of Court.

F. Increase the opportunities for Court members to meet informally (this may include with the permission of members a list of contact details be circulated)

## 3.6 Board membership and diversity

Equality, diversity and inclusion (EDI) are key values for Abertay University and it is important that the institution itself reflects and values diversity. This means not only supporting and welcoming diversity in staff and students but also considering the impact of Court policies and processes on EDI. A review of the remits for Court Committees showed that EDI considerations were only appropriately covered in the People, Health and Equality Committee. EDI was not explicitly mentioned in the Governance and Nomination Committee nor in the more other more 'technical' committees. It needs to be explicitly profiled in Governance and Nominations and it is good practice to demonstrate that EDI considerations have been undertaken across the board. Equally it should demonstrably be taken into account in Committee and Court decisions.

Diversity of Court membership can be a challenging process and worth remembering it is broader than some of the more visible characteristics. Abertay Court has a good gender balance and in recent appointments has been successful in attracting some younger members to help reduce the age profile. In the survey, 74% agreed that "*Governing body membership: Reflects the organisation's key stakeholders*" (-1% below the sector benchmark) and indicates there is still room for improvement.

Discussions with Court members indicated that both ethnic diversity and diversity of thought were seen as important for the Court these were clearly areas which required further improvement. In order to further diversify Court, it may be helpful to utilise professional search firms (used in the past) to support with future Court recruitment with a specific instruction to take diversity into account.

**Recommendations:**

7. Recommend a review of committee remits to demonstrate that EDI considerations are articulated in relevant committees (with a particular focus for Governance and Nominations committee).
8. Recommend that Court decisions explicitly demonstrate that EDI has been taken into account (this may be added to paper cover sheets as a means to do this).
9. To maintain the emphasis on diversity, strive for further improvement (particularly in relation to ethnicity) this should be prioritised for further Court recruitment. This may be aided by professional external search support.

## Summary of Recommendations

		Accept / Reject
1.	Establish a facilitated session for Court and the Executive to mutually explore where the boundary between governance and management has been set previously and crucially where it should be set and managed in future.	
2.	The Strategy and Key Performance Indicators should act as a guide to Court members to base the degree of their scrutiny they wish to undertake (with a focus on deviation against agreed strategic objectives and performance measures).	
3.	In order to maintain and further strengthen the breadth of voices and experience, Nominations Committee should continue to actively seek a range of perspectives in Court and committee membership to address the breadth of skills required (more detail on diversity in section 3.6).	
4.	Review, update and thereafter maintain the outward facing information about Court on the university website.	
5.	Overhaul the current approach to induction for new Court members, with a more personalised approach for each Court member based on their existing strengths and development areas. Induction should be structured into bite sized chunks spaced out over 12-18 months.	
6.	Develop a bespoke and tailored approach for induction and training for staff and student Court members to reflect the different starting point they have.	
7.	Recommend a review of committee remits to demonstrate that EDI considerations are articulated in relevant committees (with a particular focus for Governance and Nominations committee).	



8.	Recommend that Court decisions explicitly demonstrate that EDI has been taken into account (this may be added to paper cover sheets as a means to do this).	
9.	To maintain the emphasis on diversity, strive for further improvement (particularly in relation to ethnicity) this should be prioritised for further Court recruitment. This may be aided by professional external search support.	

## Summary of Suggestions:

		Accept / Reject
A.	Following the reflection on the university strategy, consider whether the associated key performance indicators need updating.	
B.	Suggest setting up a discussion of the opportunities for Court to focus more on big challenges and risks (including looking at the annual Court Conference so that it adds more value).	
C.	Invite Court and Senate to come together annually to build stronger links, brief one another on priorities and engage in strategic discussion about the future of the university.	
D.	Invite every Court member to undertake one development opportunity at least once a year.	
E.	Consider a buddying system between new and existing members of Court.	
F.	Increase the opportunities for Court members to meet informally (this may include with the permission of members a list of contact details be circulated)	

## Annex One – Survey Results

Members of Court and the Executive who regularly and routinely attend Court were invited to complete a benchmark e-survey. In total we received 19 responses, roughly in line with the sector average. The responses were broken down as follows; 1 Chair, 7 external/lay members, 4 staff members, 3 executive (member), 1 executive (non-members), and 1 student member. 19 out of a possible 26 responses marks a 73% completion rate (6 lay members, 1 student response missing).

The survey has been completed by over 40 higher education governing bodies and was updated in 2020, with some questions in the revised survey unable to be benchmarked.

Qu.		% Agree	Diff. to benchmark
7.	Mechanisms are in place to enable the governing body to be assured as to the organisation's financial resilience and overall sustainability	100	+3
8.	Mechanisms are in place to allow the governing body to be assured that the organisation has effective processes in place to enable the management of risk	100	+10
11.	The governing body understands the institution's key stakeholders and what is material to each stakeholder group in the context of its strategy	100	+10
15.4	Governing body membership: Has an appropriate range of skills and experience	100	+11
17.	The governing body demonstrates an understanding of and commitment to the organisation's vision, ethos and culture	100	+5
18.	The governing body displays the values, personal qualities, and commitment necessary for the effective stewardship of the organisation	100	+4

21.2	The governing body: Monitors institutional performance, including through the use of agreed KPIs, which are stretching and attainable	100	
27.	Governing body meetings and business are conducted and chaired in a way which encourages the active involvement of all members in discussions and decision-making	100	+9
31.	The governing body ensures that planned outcomes agreed as part of the strategic plan are being regularly monitored, assessed and reported	100	+10
32.	The governing body ensures that defined quality levels for the student experience are being achieved	100	+19
33.2	The governing body has a positive overall impact on the institution's: Resilience	100	+7
10.	The respective responsibilities and relative accountabilities of the governing body and academic board/Council/Senate are appropriate, clearly defined and mutually understood	95	+9
25.	The governing body is well equipped to support the organisation's long term strategic plans	95	+6
29.1	The governing body in providing constructive challenge is: Understood and accepted by both members and the executive	95	+4
29.2	The governing body in providing constructive challenge is: Undertaken effectively	95	+6
20.	The Chair actively establishes, promotes and sustains a governance culture that supports effective stewardship of the organisation	95	+6

2.	There is a genuine and shared understanding about, and commitment to ensure effective governance by both the governing body and the executive	89	-2
3.	The governing body is effective in regularly reviewing its own performance	89	+12
5.	There are effective arrangements in place for involving staff and students in the governing body	89	+1
9.	The scheme of delegation is clear and well understood and applied consistently and correctly	89	+6
20.	The governing body has agreed performance measures incorporating leading and lagging indicators against which it receives assurance of institutional performance against the strategic plan	89	+10
21.1	The governing body: Is actively involved in the formulation, approval and review of the institutional strategy	89	
22.	The governing body receives the clear and prompt information it needs to be fully informed about its legal and regulatory responsibilities. This includes, but is not limited to, the OFS/SFC (where relevant)	89	-3
26.	The governing body is well informed about likely changes in the external environment and any major implications for governance that may result	89	-4
28.	Working relationships between governing body members and the organisation's executive are transparent and effective	89	=
33.1	The governing body has a positive overall impact on the institution's: Performance	89	-2

33.3	The governing body has a positive overall impact on the institution's: Reputation	89	+1
35.	Effective mechanisms are in place for ensuring there is assurance of equality diversity and inclusion matters for staff and students, across the governing body	89	+1
36.	The governing body tests the institution's development and delivery of its equality, diversity and inclusion objectives	89	+2
37.	The governing body receives sufficient information to test the equality, diversity and inclusion implications of policy, approaches and initiatives that it decides upon	89	+3
6.	Mechanisms are in place for the governing body to be confident in the processes for maintaining the quality and standards of teaching and learning and the standard of awards	84	=
12.	Recruitment practices to fill board vacancies are effective, transparent, and enable a diverse pool of candidates to be appointed	84	+4
15.3	Governing body membership: Provides a range of approaches to problem solving	84	+3
24.	The governing body balances its time effectively in reviewing the organisation's performance (looking back) alongside considering its strategic direction (looking forwards)	84	
34.	The governing body ensures that external and internal stakeholders have a high degree of confidence in the organisation	84	+5
16.	Discussions at and decisions made by the governing body are informed and challenged by different perspectives and ideas	79	-10

21.3	The governing body: Regularly reviews comparative performance with relevant peer institutions through processes such as benchmarking	79	
23.	The governing body communicates transparently and effectively with its stakeholders	79	-1
38.	All governing body members demonstrate up-to-date knowledge and confidence in discussions of equality, diversity and inclusion matters	79	+3
15.2	Governing body membership: Reflects the organisation's key stakeholders	74	-1
14.1	The induction of governing body members is: Effectively managed	63	-17
14.2	The induction of governing body members is: Relevant	63	-16
19.	The governing body ensures that effective performance reviews of the head of institution are undertaken	63	-3
13.	Effective reviews of governing body members' individual contributions are conducted periodically	58	+2
15.1	Governing body membership: Reflects the diversity of the organisation (in terms of gender, age and ethnicity)	58	-2
14.4	The induction of governing body members is: Tailored to individual need	37	-17
14.3	The induction of governing body members is: Periodically evaluated	32	-10

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