



# Royal College of Art

Postgraduate Art & Design

## Background

The RCA is considering the role and functions of Court in the light of the changing nature of regulation of universities in England following the establishment of the new independent regulator, the Office for Students (OfS) and the revised Code of Governance published by the CUC (Committee of University Chairs).

## The Evolution of Courts

Courts are a typical feature of English universities incorporated by Royal Charter. They frequently have a membership of several hundred intended to reflect the communities they serve. They tend to meet annually to receive reports and accounts, although in practice attendance is in the dozens rather than hundreds. Some courts, including that of the RCA, retain formal powers e.g. to appoint the Chancellor and Treasurer on the recommendation of the Council and to appoint certain lay members of Council.

## The Emerging Landscape

In recent years a number of universities have reviewed their courts in the light of the following developments:

- (a) the CUC governance code which, although not mandatory for autonomous universities, has been adopted on a “comply or explain” basis. In addition to requiring that Councils are the unequivocal governing bodies, the code requires the establishment of a Nominations Committee to identify and recommend lay members to the governing body, taking account of skills matrices and equality and diversity. This makes it convoluted and inappropriate for courts to continue to have a role in the appointment of lay governors;
- (b) The creation of the OfS whose regulatory code requires universities to demonstrate governance compliance as a condition of registration. Registration with OfS is required in order, *inter alia*, for universities to qualify for public grant funding (such as funding to support teaching) and student support arrangements (enabling students to access Government-funded student loans). OfS registration is also required for universities to apply for a Home Office licence to recruit international students;
- (c) the inflexibility of court membership enshrined in statutes in a dynamic, global social and cultural environment with increasing emphasis upon diversity. So, for example, Courts may not reflect the diversity of people of faith or no faith, the increasingly international nature of higher education, nor the increasing diversity of the communities within which universities operate.

**A Way Forward?**

In Higher Education there is a clear trend of reform. The RCA is proposing to retain its Court with a reformed, more flexible membership but with no formal statutory powers. It is important to remove the Court from university legislation in order to demonstrate that court has no role in governance and to enable the university to respond with agility to a rapidly changing stakeholder landscape.

Therefore, it is proposed that the Court will no longer feature in College legislation and Court members will, in accordance with OfS and CUC requirements, not be involved in appointing the Chancellor, Treasurer or members of Council. However, it is envisaged that a reformed Court would, with a refreshed membership (including existing members), have a wider, more engaged role in the life of the College, unconstrained by statutory obligations. It is envisaged that the incorporation of Court into a stakeholder/ community engagement strategy would provide more bespoke opportunities for Court members to engage with the College.

**Next steps**

Amendments to the RCA's Charter, Statutes and Ordinances will be agreed by the Council by a two-part Special Resolution in July and October 2019 and finally approved by the Privy Council in autumn 2019. The RCA will submit its proposed amendments to the Charter and Statutes to the Privy Council for informal review in mid-February. We would welcome your views, as a member of the Court, on the future role of the Court and planned reform. If you do have any comments, please contact Lucy Quarry, Governance Officer ([lucy.quarry@rca.ac.uk](mailto:lucy.quarry@rca.ac.uk)) by 15th February 2019.

**Richard Benson**  
**Chief Operating Officer and Clerk to the Council**  
**14.01.19**