

Higher Education Authority

Report of 421st Meeting held on 8th March 2022 in 3 Shelbourne Buildings, Dublin 4

Present: Dr Bahram Bekhradnia via MS Teams (agenda items 1-11)
Mr Tony Donohoe (agenda items 1-11)
Dr Judith Eaton (agenda items 1-11)
Professor Orla Feely, Deputy Chair (agenda items 1-11)
Dr Sharon Feeney (agenda items 1-11)
Mr Michael Horgan, Chairperson (agenda items 1-11)
Ms Darina Kneafsey (agenda items 1-11)
Dr Deirdre Lillis (agenda items 1-11)
Dr Ronan Lyons via MS Teams (agenda items 3.5-11)
Dr Jim Mountjoy via MS Teams (agenda items 1-11)
Dr Sinéad O’Flanagan (agenda items 1-11)
Mr Pól Ó Móráin (agenda items 1-11)
Dr Lynn Ramsey via MS Teams (agenda items 5-10)
Dr John Wall via MS Teams (agenda items 1-11)

Apologies: Ms Clare Austick

In attendance: Dr Alan Wall via MS Teams (agenda items 1-11.1)
Ms Orla Nugent (items 1-10)
Mr Padraic Mellett (agenda items 1-10)
Mr Tim Conlon via MS Teams (agenda items 1-10)
Ms Pearl Cunningham (agenda items 1-10)
Ms Caitríona Ryan via MS Teams (agenda items 1-10)
Mr Gary Comiskey, EY via MS Teams (agenda item 6)

Conflicts of Interest

The Chair reminded all Board members of potential conflicts of interest and asked members to highlight any items that may require attention. No conflicts of interest were disclosed.

Quorum

The quorum for HEA Board meetings, six members, was met.

Opening Remarks

The Chair noted today was International Women’s day. He also advised the Board that Dr Deirdre Lillis is to take up the post of Assistant Secretary General at the

Department of Further and Higher Education, Research, Innovation and Science. He and the other members congratulated Dr Lillis on her appointment.

1. Report of 420th Board meeting

1.1 The minutes were approved.

2. Matters arising

2.1 No issues were raised.

3. Committee Reports

3.1 Finance and Governance Committee

3.1.1 Dr O'Flanagan introduced the Committee's report.

3.1.2 2021 Recurrent Grant Outturn

Dr O'Flanagan noted that €147m additional pension funding received in 2021 was provided to meet the deficits on the universities pension control accounts as at 30th September 2020. In addition, the annual contribution towards pension costs in the universities and specialist colleges is being increased by €20m to €82m in 2022.

When taking into account all remaining balances at year end, there was an amount of c.€43.5m available to allocate towards undergraduate fees, including an additional €25m provided from DFHERIS, which the committee welcomed.

It was also confirmed the Department provided an additional €160k for pensions in 2021 which related to pensions increases provided under the Building Momentum agreement.

Decision: The Board approved the final 2021 recurrent grant allocations.

3.1.3 Student Assistance Fund and Fund for Students with Disabilities 2022 Budget

Members were advised that an additional €1.3m SAF allocation was provided by DFHERIS and paid by the HEA in December 2021. The Committee was advised that institutions who reported underspends of more than 10% on their 2020/21 SAF allocations did not receive a share of this allocation. Members were also advised that this additional funding was once-off and the 2022 SAF was based on the original 2021 allocation.

Decision: The Board approved proposed allocations for the 2022 financial year under the Third Level Access Measure as set out in memorandum F 3/22.

3.1.4 HEA and IRC Administration Budget 2022

Members were advised that the Committee recommended approval of the HEA and IRC administration budgets subject to expenditure on staff development being increased to 2-3% of annual salary budget. It was confirmed the administration costs of the National Teaching and Learning Forum are included in the HEA administration budget.

Decision: Members approved the revised administration budgets having regard to the above recommendation.

3.1.5 2022 Irish Research Council commitment of funding for the Government of Ireland Postgraduate Scholarship, Government of Ireland Postdoctoral Fellowship Programmes, the Enterprise Partnership Scheme and the Employment-Based Postgraduate Programme

Decision: Subject to confirmation of the Departmental allocation for IRC for 2022, the Board approved the funding commitments for the Government of Ireland Postgraduate Scholarship, Government of Ireland Postdoctoral Fellowship Programmes 2022, the Enterprise Partnership Scheme and the Employment-Based Postgraduate Programme as set out in memoranda F5/22 and F 6/22.

3.1.6 Report on HEIs 2019/20 Audited Accounts

Dr O’Flanagan briefed members on issues highlighted by the Comptroller and Auditor General in their audit reports of the higher education institutions for 2019/20. The key issues were UCC’s qualified opinion and non-compliant procurement in a number of other institutions. Members were advised that overall there has been an improvement in both the timeliness of sign-off and level of compliance with procurement guidelines. However, it was noted that 3 institutions (CIT, UCC and UCD) reported significantly higher non-compliant procurement in their statutory accounts than what was reported in the Annual Governance Statements (AGSs) provided to the HEA. The Executive is currently following up with each of these institutions.

3.1.7 2022 Recurrent Grant Allocation

One member noted that while the additional funding provided in 2022 was welcome, the cost of national pay agreements were not fully met through the allocation.

Decision: The Board approved the 2022 recurrent grant allocation as set out in memorandum F10/22.

Decision: Members noted the Committee's report.

3.2 Report of Policy and Strategic Policy Committee

3.2.1 Ms Kneafsey introduced the Committee's report. The Committee received a presentation from the Statistics Unit on socio-economic profiles, this included a deprivation index score. Overall, there was little significant change over the 2018/19 data. It is planned to publish this data shortly. The Committee received a report on the impact of Covid 19 on the Erasmus + programme and noted a significant number of actions on the tracker log have been closed.

Decision: Members noted the Committee's report.

3.3 Report of the Research and Graduate Education Committee

3.3.1 Professor Feely introduced the Committee's report. The Committee received an update on the North-South Research Programme and considered the HEA Bill. The Committee approved the terms of reference for the audit of the COVID-19-Related Research Costed Extensions Funding scheme. The Executive advised that one issue that may arise during the course of the audit was the lack of consistency across the HEIs in relation to the eligibility of part-time researchers. The HEIs were allowed to manage the scheme subject to broad criteria set by the HEA.

Decision: Members noted the Committee's report.

3.4 Report of the System Development and Performance Management Committee

3.4.1 Mr Donohue introduced the Committee's report. The key item under consideration was the recruitment of external advisors for the 2022 strategy and performance dialogue process which will cover an assessment of performance on delivery of compacts for the last three years. A long list of 30 names was considered by the SDPM Committee. Mr Conlon advised that the Executive is close to finalising the final eight-person panel having regard to the competency framework agreed by the Committee. The Committee also received a report on performance funding awarded in 2018 and 2019 noting the difficulties faced by HEIs in managing projects with relatively small amounts of funding. This validated the decision taken in 2021 to award fewer awards of higher value.

3.4.2 Members raised the following issues;

- The importance of having external advisors who are familiar with technological universities
- Induction/briefing of the assessors – Mr Conlon outlined how this will be addressed
- The attendance of Board members at compact meetings
- How teaching and learning metrics will be incorporated into a new performance framework. Mr Conlon advised that proposals on a new framework will shortly be brought to the committee. He envisaged a collaborative approach with NFTL in the setting of metrics.

Decision: Members noted the Committee’s report.

3.5 Report of the Pensions Appeals Committee

3.5.1 Dr Mountjoy introduced the Committee’s report. He advised that two of the Committee’s members had a conflict of interest in relation to the draft pension determination presented by the Executive. The Committee accordingly made two recommendations in relation to its membership and quorum for future meetings. It was agreed that the Executive would seek to engage the services of a pensions consultant who would attend future meetings of the Committee.

Decision: Members approved the appointment of an additional member to the Committee, Ms Clare Austick and her successor as President of USI when they are appointed to the Board. Members approved the Committee’s terms of reference, including that the quorum for meetings should be three members.

Members noted the Committee’s report.

3.6 Report of the Nominations Committee

3.6.1 Professor Feely introduced the Committee’s report. The Committee recommended the implementation of a standard process consisting of the advertisement of expressions of interest from potential candidates. It was agreed that the expressions of interest be advertised on Stateboards.ie as well as the HEA website. Ms Nugent advised that the Department was still considering a proposal on remuneration submitted by the Executive.

3.6.2 Members discussed whether it was appropriate to seek to recruit external members to HEA standing committees given the uncertainty as regards the duration of the term of the current Board. In relation to the proposed booklet for membership of the Finance and Governance Committee it should be clarified that applications from staff currently serving in HEIs funded by the HEA would not be considered.

Decision: Members approved the process as proposed by the Committee but agreed not to proceed with the recruitment of external members at this stage.

It was agreed that standing committees would review their arrangements as regards quorum and where appropriate change to 3 members.

3.7 Audit and Risk Committee

Decision: The Board approved the appointment of Dr Feeney as chair of the Audit and Risk Committee in place of Dr Lillis.

4. 2022 Annual workplan

4.1 Mr Mellett introduced this item noting it was prepared against the 2018-22 strategic plan's themes and priorities. The CEO advised a key concern will be the availability of additional resources to enable the HEA take on the additional functions set out in the HEA Bill. Until this is resolved DFHERIS should delay the commencement of the various provisions of the new Act.

4.2 The following issues were raised;

- When will the new staff development plan be prepared? The CEO advised that the plan was to finalise the recruitment of a new Head of Corporate Affairs. The HEA will then recruit a Senior HR Manager who will lead on the staff development plan.
- The importance of having clear KPIs to demonstrate investment in staff development has been effective.
- What are the plans relating to the TU leadership Academy? Mr Conlon advised that proposals for a leadership symposium are currently being developed, they will be submitted to the SDPM Committee when finalised.
- The development of a new costing model. Ms Nugent advised that the RFAM working group did not meet last year, progress is dependent on decisions to be made by the Department.
- Proposals for an alternative to the ECF. Ms Nugent advised that the Executive will convey its observations on a paper prepared by the IUA to DFHERIS. Proposals will then be submitted by DFHERIS to DPER with a view to securing its agreement to an alternative to the ECF.
- Are there plans to assist the HEIs with digital transformation? The CEO advised the HEA needs, in the first instance, to enhance its own IT systems.
- Plans to carry out reviews of TUs post designation. Mr Donohue advised that the only TU where a review in 2022 would be appropriate was TU Dublin. Mr Conlon advised that it is hoped to commence this review once additional

resources are appointed. The decision to undertake this review came from the Board when it made its decision on the TU Dublin application.

Decision: The Board approved the 2022 Action Plan.

5. HEA Corporate Risk Register

5.1 Dr Lillis outlined the process noting corporate and sectional risk registers are updated twice annually. The ARC focused on four key areas. The CEO outlined the following risks of concern;

- HEA resources, the HEA has half the number of staff as SOLAS but manages nearly double the level of funding. The case for additional staff will increase once the new HEA legislation is enacted.
- Risk that errors on spreadsheets could be replicated across the organisation.
- He noted the importance of the ARC and Board reviewing the risk register as there is always the danger that the Executive may have missed key risks.

5.2 Members noted the ongoing importance of cybersecurity risks and suggested this be elevated to a high risk. Mr Mellett noted that this risk was high in the previous register and its reduction reflected the significant steps taken and planned by the IT unit to mitigate against this risk. He outlined the steps already taken and planned next steps including blocking access to personal email accounts using HEA devices and engagement of a SOC SIEM company to provide for 24-7 security monitoring. He accepted however that Cybersecurity was an ongoing serious risk and this should be reclassified as high. The issue of exposure to attacks to cloud based services was raised. Mr Donohue noted that cloud service providers such as AWS and Microsoft have a significant reputational interest in ensuring robust security and for this reason organisations are increasingly moving from own servers to cloud based hosting.

Decision: The Board noted the Corporate Risk Register and agreed that cybersecurity risks should be classified as a high risk.

6. HEA Transformation Board Report

6.1 Mr Comiskey (EY) made a presentation focusing on an IT roadmap for the HEA and governance arrangements to underpin the transformation process. The presentation focused on the following.

- Current state assessment of technology and data.
- Future state design and how this will be mapped onto the existing set-up and an indicative timetable for this.

- Transformation governance arrangements, to include the following;
 - Transformation Steering Group – to include the Chair, other Members and the CEO
 - Programme Sponsor/Senior Responsible Officer
 - Programme Steering Group – to include members of the SMT
 - Transformation Management Office (TMO) & Programme Lead – this office in turn will have access to change partners who will be able to provide support and subject matter expertise.

6.2 The following comments were noted;

- How ambitious is this project, is it achievable? Mr Comiskey indicated he believes it is both ambitious but achievable. The CEO advised that he has looked closely at what can be achieved given current resources. He planned to share the slides with DFHERIS so they can see the magnitude of the task facing the HEA. He has already advised the Department broadly of the scale of additional staff that will be required.
- How likely is the Department to respond to the HEA's request for additional resources? The CEO noted that the HEA has managed to secure close to 30 additional staff in the recent timeframe and he is confident the Department appreciates the magnitude of the challenge facing the HEA when the new legislation is enacted.
- Confirmation that the TMO will project manage the exercise. Mr Comiskey advised that he deliberately avoided the term project manager given the transformational nature of the exercise.
- Could the Springboard database be moved to the CAO over time? Mr Comiskey advised this could be considered by the HEA.
- Barriers to implementation – these tend to be human rather than technical, a risk management approach should be taken to this exercise. Mr Comiskey agreed on the importance of winning hearts and minds. The SMT needs to be closely involved with this exercise, they in turn need to engage with their teams. The CEO noted that the approach of staff to new systems will vary – there is likely to be broad acceptance to the new FMS but staff may be more wary about the CRM as it will entail the breaking down of silos.
- Ms. Nugent noted the importance of setting up the Transformation Steering Group to support and guide the next phase of the programme.

The Chair and the Board welcomed the Transformation programme and thanked Mr Comiskey and his colleagues for their work on this exercise.

7. Tender for a Framework for the provision of temporary staff recruitment services to the HEA

Decision: The Board approved the approve the establishment of a framework consisting of Osborne and Hartley People for the provision of temporary staff recruitment services to the HEA

8. HEA Governance (1) 2021 Board self-evaluation exercise – Memorandum A 11/22 attached (2) HEA Standing Committees

8.1 The Chair noted the results of the self-evaluation exercise was broadly in line with the previous surveys. Consideration might be given to a new set of questions. It was noted that the survey did not include performance of individual members. Mr Mellett noted the next exercise will be an external evaluation as required under the State Code of Governance.

Decision: The Head of Corporate Affairs to arrange an external board evaluation for Q4 and training for Board members on cybersecurity.

8.2 Members noted the high number of standing committees in place and the challenges facing the Board in having enough members to serve on each committee particularly as vacancies arise. It was noted that more Committees may be required once new legislation is enacted having regard to additional responsibilities such as student engagement, skills/LLL and designation of private institutions. It was agreed that the Chair and Executive would review the number of standing committees for discussion at the June Board meeting. It was agreed that the National Teaching and Learning Forum should be added to the list. The Irish Research Council will continue to report to the HEA through the Research and Graduate Education Committee.

9. Approval of Irish Research Council provision for payments to assessors

Decision: The Board approved amounts up to €467,000 for payments to assessors and expert panel members for Irish Research Council funding programmes in 2022.

10. Executive Report

10.1 The following issues were raised;

- It was confirmed that the recent OECD presentation on resourcing Irish higher education would be made available to members if it was recorded.
- War in Ukraine. Members were advised that the HEA is awaiting direction from DFHERIS on this matter. It was noted that a number of HEIs will be able

to accommodate Ukrainian researchers and there is a scholars at risk fund which may be availed of.

- Protected disclosures. The HEA is managing these in a more streamlined manner and is availing of the services of a third party where appropriate.
- Follow up on Cassells report on the funding of higher education. Members were advised that the DFHERIS is currently reviewing the report it received from the EU.
- The Executive agreed to organise an event to mark the SALI Professorship appointments.
- HEA office accommodation arrangements and return of staff to the offices. The CEO advised that staff have commenced a return to offices on a one day per week basis, this will increase to 2 days shortly. Even with a hybrid working arrangement additional office space will be needed having regard to the additional staff required by the HEA once new legislation is enacted.

11. Members only

11.1. Oversight Agreement with DFHERIS

Members were informed that a new Oversight Agreement had been negotiated with DFHERIS and would be presented at the next meeting.

11.2. National Apprenticeship Office

It was agreed to invite the new Director of the National Apprenticeship Office, Dr Mary Liz Trant to meet the Board to explore avenues of support and assistance..

11.3 National Forum for Teaching & Learning

It was agreed to seek an update on the appointment of a new Director for the NFTL.

11.4 HEA Bill

A member raised concerns about proposed powers for the HEA CEO contained within the HEA Bill currently going through the Oireachtas. The Chair stated that he had no concerns on the proposals following discussions with the CEO on the frameworks and processes that will be required once the Bill is enacted.

Next Meeting

26th April 2022

Chairperson

Date