

Higher Education Authority

Report of 425th Meeting held on Tuesday 6th September 2022 in the Clayton Charlemont Hotel

Present: Mr Tony Donohoe via MS Teams (agenda items 1-10)
Dr Judith Eaton (agenda items 1-10)
Dr Sharon Feeney (agenda items 1-10)
Professor Orla Feely, Deputy Chair (agenda items 1-10)
Mr Michael Horgan, Chairperson (agenda items 1-10)
Ms Darina Kneafsey via MS Teams (agenda items 1-10)
Dr Sinéad O’Flanagan (agenda items 1-10)
Mr Pól Ó Móráin via MS Teams (agenda items 1-10)
Ms Beth O’Reilly via MS Teams (agenda items 1-10)
Dr Lynn Ramsey (agenda items 1-10)
Dr John Wall via MS Teams (agenda items 1-10)

Apologies: Mr Ronan Lyons

In attendance: Dr Alan Wall via MS Teams (agenda items 1-10)
Ms Orla Nugent (agenda items 1-8, 10)
Mr Padraic Mellett (agenda items 1-8, 10)
Ms Caitriona Ryan via MS Teams (agenda items 1-8)
Dr Vivienne Patterson via MS Teams (agenda items 1-8)
Dr Louise Callinan (agenda items 1-8, 10)
Mr Colin Cooper (agenda items 1-8, 10)
Ms Eilis Noonan (agenda items 1-8, 10)
Dr Victoria Brownlee via MS Teams (agenda items 1-8)
Dr Mary-Liz Trant (agenda item 5)
Mr Cornè Mouton (agenda item 7)

Opening Remarks

The Chair welcomed members back after the summer.

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.

1. Report of 424th Board meeting

The minutes of the last meeting were agreed.

2. Matters arising

2.0 Update on National Forum Staffing

There will be a competition held in October for a Senior Manager post in this area, and the job description will be shared and agreed with NFTL sub-committee.

2.1 Ending Sexual Violence and Harassment in Higher Education Institutions Implementation Plan

In advance of circulation to the Policy and Strategic Planning Committee, Board members were requested to note the Ending Sexual Violence and Harassment in Higher Education Institutions: Implementation Plan 2022-2024 for information.

The Chair of the Policy and Strategic Planning Committee requested Board authority to approve the Implementation Plan when it is presented to the Committee on October 10th, rather than delaying matters to the next Board meeting. Once approved by the Committee, the Centre will publish the plan and intends to host an event, at which the Minister for Further and Higher Education, Research, Innovation and Science will launch the plan.

An update will be given at the next Board meeting.

2.2 Springboard Data Issue

The Data Protection Officer gave an update to members on the data issue reported last week on the Springboard Employers Interface. The HEA is liaising with the Data Protection Commission and conducting a Data Protection Impact Assessment on the Springboard system, which will be shared with the Audit and Risk Committee at the next meeting. She also provided some further context to the recent newspaper article that discussed the issue. The Head of IT outlined wider IT security measures which are being undertaken including digital threat intelligence measures.

The following issues were raised by members;

- Was it a data breach?
- The extent to which the HEA was reliant on 3rd party providers.
- The reasons why the HEA needs to retain Springboard data. Members were advised that the HEA is obliged, under EU requirements to retain certain data as Springboard costs are recoverable under the ESF.

2.3 HEA50 Conference

The conference celebrating the HEA's 50th anniversary was discussed. Two broad themes are being considered, the morning will look at the democratisation of higher education and

broadening of access over the past 50 years. The afternoon will look at higher education and how it might evolve over the next 50 years. The conference will take place in the Aviva on 23rd November. In addition, the HEA is planning events for members/past members and staff.

Speakers are being sought for these topics; members were requested to forward any suggestions to the Head of Communications.

3. UCC Pension Legal Settlement – Memorandum A 36/22

3.1 With reference to the Fifth Schedule, paragraph 6 of the Universities Act 1997, the Board was asked for approval, given with the consent of the Ministers for FHERIS and PER, for a pension arrangement for an academic medical consultant jointly employed by UCC and HSE. The CEO noted this was an unprecedented request, noting both DoE (acting on behalf of DFHERIS) and DPER have been involved in negotiations with UCC, HSE and the claimant. Mr Mellett advised that the HEA did not receive a pension appeal from the individual.

Decision Members noted the exceptional nature of this request and that both DoE (acting on behalf of DFHERIS) and DPER have been involved in negotiations with UCC, HSE and the claimant. Consequently, in this instance, the Board provides its approval, and it is subject to the consent of the Ministers of FHERIS and PER.

4. System Performance Framework- Memorandum A 37/22

4.1 This is being delayed due to a staff member's unavoidable absence. It was agreed that following the enactment of new HEA legislation a draft framework will be presented to the System Development and Performance Management committee.

5. Presentation from National Apprenticeship Office – Update on the Implementation of the Action Plan for Apprenticeship 2021-2025

5.1 Dr. Mary-Liz Trant, Director of the National Apprenticeship Office, gave a presentation to members in relation to the implementation of the Action Plan for Apprenticeships 2021-2025.

5.2 She raised the following points:

- The Plan was published in April 2021, Covid delayed implementation of some actions. There are 62 actions identified in the plan.
- The NAO will be jointly managed by SOLAS and HEA- it will act as a single point of contact for employers, apprenticeships, and providers. Staffing should reflect shared responsibility between FET & HE.
- There are currently 66 programmes with multiple consortia developing new apprenticeships
- Governance and reporting arrangements to be approved by SOLAS and HEA boards.

- An MOU is being agreed between SOLAS & HEA
- Currently there is a small transition team in place, additional 8 staff to be recruited soon.
- Progress report to go to the Minister on behalf of the NAO and NAA, presenting evidence of progress by end of 2022.

5.3 Members raised the following issues;

- How can the HEA support the development of the NAO? Dr Trant acknowledged the support she has received to date from the CEO, Dr Patterson, and HEA colleagues. The HEA Board can provide strategic leadership and oversight.
- What are the main priorities of focus in the short term? Practical signals for new direction of travel, strategic vision needs to be communicated. Joint aspect FE/HE needs to be emphasised.
- How are the different apprenticeships conveyed in promotional campaigns? It was noted that the relationship with higher education was not always prominent. Dr Trant noted there is an increased emphasis on the qualifications that can be obtained via apprenticeships. She highlighted UL in particular who offer apprenticeship programmes up to and including PhD level. She also noted the work-based dimensions of many programmes offered by HEIs including DCU and UL.
- Has there been feedback from apprentices and providers? Survey of apprentices done when preparing the plan, good feedback from that and good response. People liked opportunities but delays on “on the job” training from Covid was emphasised. NAO will conduct another survey in the coming months.
- Registrations numbers are high.
- Is there any change in governance and reporting arrangements? The plan gives HEA a formal role in the apprenticeships space. Going forward there will be regular reporting on the NAO to the HEA board. The HEA will continue to be responsible for HE apprenticeship funding.
- Pathfinder programme- what percentage of the 66 apprenticeship programmes are at level 7 and above? Dr Patterson indicated that 15 of the programmes are at level 7 and higher. A significant number are a level 6 which span further and higher education.
- Different funding arrangements for apprentices, some receive training allowances, in other cases employers are paid grants. Dr Trant envisaged the former being phased out.
- Work-based learning- what existing structures are in place to support enterprise learning? HEIs have strong industry connections and will seek to utilise these. There has been stronger enterprise engagements over the last few years and growing interest in apprenticeships as work-based learning complements this.

- Public sector apprenticeships? A target of 750 registrations of public sector jobs by 2025 has been set, currently there are c. 100. Local authorities have been active in this space, so it is hoped they will increase their placements.
- Climate Action Plan- can this be tied in? Dr Trant noted the importance of sustainable building and this needs to be incorporated into crafts provisions. In addition, there is a growing demand for crafts who can undertake retrofits.
- The Teaching Council has a role to play in teacher training- professionalisation of teaching and learning- this is a space to monitor.

Members thanked Dr Trant for her presentation and her time.

6. Approach to consultation on formation of new research agency – Memorandum A 38/22

6.1 Members were requested to approve the proposed approach to engagement with the consultation process surrounding the amalgamation of the Irish Research Council and Science Foundation Ireland as envisaged in Impact 2030. Members were advised that the CEO has met with the IRC Chair and IRC members who welcomed the HEA's support.

The proposed approach was agreed by the Board as follows:

- Given the legislative responsibilities in respect of research assigned to the HEA through the HEA Bill, 2022 and the standing of the IRC as a sub-Board of the HEA, consultation regarding the amalgamation of the IRC and SFI will be conducted through the HEA. The HEA CEO and the Director of the IRC will represent the interests of the HEA and the IRC.
- Aspects of the consultation process relating to organisation and staffing considerations will be managed by the CEO of the HEA.
- The HEA will seek the expertise of the IRC Chair and IRC Board to inform the consultation process in terms of policy considerations and matters relating to funding schemes.
- The IRC Chair and IRC Board will be kept regularly updated on developments and briefed on the consultation process by the HEA.

Decision Members approved the approach as outlined in memorandum A 38/22.

7. DkIT Sustainability Plan – Memorandum A39/22

7.1 Mr Cornè Mouton of Mazars introduced the report on the DkIT Sustainability Plan, which had been circulated with the Board pack. The Report was taken as read.

Members were requested to consider and approve Mazars draft report on the Review of Financial Projections and Preparation of a Sustainability Plan for DKIT. Following approval, this Report will be forwarded to the Chair of Governing Body, President and Chair of the

Finance, Audit and Risk committee of DKIT and to the Department of Further and Higher Education, Research, Innovation and Science.

7.2 The following issues were raised;

- Will the new legislation alter the dynamic of this issue? It was confirmed the new legislation will give the HEA powers to intervene if such a similar situation were to arise.
- How the HEA's independent facilitator might be appointed and what role might they play. The independent facilitator would work with the President and the Institute to oversee the implementation of the recommendations.

7.3 Following Mr Mouton's departure, members considered the next steps including a covering letter to DFHERIS which would reference

- The need for voluntary redundancy/early retirement schemes for DkIT to enable it to reduce its cost base.
- The need to reform academic contracts
- The challenges caused by interpersonal difficulties.

Decision- The Board approved the Mazars draft report on the Review of Financial Projections and Preparation of a Sustainability Plan for DKIT. It was agreed that the report will be sent to the Governing Body Chair, President and Chair of the Finance, Audit and Risk committee of DKIT. The report will also be issued to DFHERIS with a covering letter outlining issues of concern to the HEA.

8. Extension of Eversheds Contract for Legal Services Memorandum A 40/22

8.1 Members were asked to note an extension of the legal services contract with Eversheds Sutherland for a further 12 months from 1st October 2022 to 30th September 2023. This is the second and final extension provided in the original tender.

Decision The Board approved the extension of the legal services contract with Eversheds

9. Members Only

9.1 DkIT issue

In discussing the proposed approach to the issues arising from the Mazar's Report on DkIT, members felt that any HEA facilitator should not have worked in DkIT previously. It was also recommended that no facilitator be appointed until the new President is in post.

Members voiced strong views on the poor performance of the Governing Authority (GA) and suggested that additional training in Institutional Governance be provided to the members of the GA in the near future.

10. Presentation from BDO on Cyber Security

10.1 Eoghan Daly from BDO Security delivered a presentation on Cyber Security to members. His presentation addressed the following:

- A brief introduction to cyber-security
- Cyber security governance
- Cyber security threats and vulnerabilities
- Protecting the organisation
- Role of the Board – questions to be considered
- Navigating a cyber security incident

Next Meeting

Tuesday 25th October

Chairperson

Date