

Higher Education Authority

Report of 406th Meeting held on 28th April via teleconference

Present¹:

- Mr Tony Donohoe (agenda items 1-13)
- Dr Bahram Bekhradnia (agenda items 1-13)
- Dr Judith Eaton (agenda items 1-13)
- Professor Orla Feely, Deputy Chair (agenda items 1-13)
- Dr Sharon Feeney (agenda items 1-13)
- Ms Lorna Fitzpatrick (agenda items 1-13)
- Mr Michael Horgan, Chairperson (agenda items 1-13)
- Ms Darina Kneafsey (agenda items 1-13)
- Dr Deirdre Lillis (agenda items 1-13)
- Dr Ronan Lyons (agenda items 1-13)
- Dr Jim Mountjoy (agenda items 1-13)
- Dr Sinéad O’Flanagan (agenda items 1-13)
- Mr Pól Ó Móráin (agenda items 1-13)
- Dr Lynn Ramsey (agenda items 1-13)
- Dr John Wall (agenda items 1-13)

In attendance:

- Dr Alan Wall (agenda items 1-13.1)
- Ms Orla Nugent (agenda items 1-12)
- Mr Padraic Mellett (agenda items 1-12)
- Mr Tim Conlon (agenda items 1-12)
- Ms Pearl Cunningham (agenda items 1-12)
- Ms Caitriona Ryan (agenda items 1-4)
- Dr Vivienne Patterson (agenda items 1-12)
- Mr Peter Brown (agenda items 4-12)
- Ms Siobhan Sleeman (agenda item 4)
- Mr Ciaran McCaffrey (agenda item 12)

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.

1. Report of 405th Meeting held 3rd March 2020

1.1 The minutes were approved subject to minor amendments in par. 3.6 and par. 9.1

¹ The quorum for HEA Board meetings, six members, was met.

2. Matters arising

2.1 Governance Ireland Report

The Board approved the Chair's proposal that an Implementation Group be tasked with the implementation of the Governance Report adopted at the previous meeting. The Group will comprise the Chair, Deputy Chair, Chairs of the Committees, the CEO and Deputy CEO.

3. Executive Report

3.1 Covid 19

The CEO updated members on developments since the Board briefing of 6th April. All HEIs have been requested to submit updates on the financial impact of COVID-19 including loss of income (international students, student accommodation, other activities) and additional costs (increased on-line provision for students and staff). The Chair suggested that institutions should be afforded as much autonomy as possible to manage the current funding crisis, rather than have the command and control approach which applied during the previous recession. Other issues raised;

- Need to ensure ongoing support for student access and equity, including student well-being
- Need for ongoing support for research
- The need to look at the IR tools available to the HEIs
- The need for a level playing pitch as regards new entrants – no HEI should move ahead of the CAO schedule for offers.
- Need to ensure that the quality of alternative teaching and learning arrangements are of a high standard

Decision: It was agreed the Executive would prepare a position paper for consideration by the Board on issues arising from Covid 19.

4. Munster TU²

4.1 The following documents were before the Board;

- Executive memorandum and Advisory Panel report
- Supplementary memorandum
- TUI statement
- MTU submission

² Dr Deirdre Lillis absented herself for this item

The Board were reminded of the conditions set out in the Minister's letter of 30th September 2019 to the Munster Technological University (MTU) consortium, in accordance with the provisions of section 35(3)(b) of the Technological Universities Act 2018 and also of the contents of the Minister's letter to our Chief Executive of April 3rd 2020. The HEA decided to engage an Advisory Panel to provide a third party, independent review of the MTU submission. The Authority viewed that this would also provide continuity and context, as this advisory panel assessed the 2019 MTU submission also. However, given the global Covid-19 pandemic, an advisory panel visit was not possible and they were asked to complete a desk-top review instead. Following completion of the review and on the recommendation of the Advisory Panel, the HEA engaged with MTU stakeholders on the areas requiring further documentation and clarification as identified in the Advisory Panel's report. To support the process and to ensure no obvious bias occurred and that the relevant criteria were applied, the HEA engaged a process auditor

Using the panel's report, the HEA Executive requested and reviewed additional supporting documentation and held virtual meetings over a four-day period with the MTU consortium and key stakeholders to discuss and clarify matters identified. The CEO outlined the range of stakeholders that the Executive engaged with, and noted that stakeholders, including trade unions and student representatives, indicated their support for the MTU. The TUI, while not against the concept of the MTU, indicated that progress on matters set out in the Memorandum of Understanding between the TUI and MTU consortium, is required.

Following its discussions with MTU, and having regard to the Expert Panel's report, the Executive confirmed to the Board they have documentation that provides evidence of progress sufficient to confirm the MTU Consortium meets the conditions set down by the Minister. It was a matter for the DES to address the concerns outlined by TUI.

4.2 The following issues were raised;

- Have the two Governing Bodies been working closely? Members were advised they have been and that real powers were ceded to the joint working group.
- How often did the Joint Executive meet? Ms Sleeman confirmed they have been meeting on a monthly basis since November.
- The position of TUI was a concern. The CEO advised that the Executive felt it was important that the Board was aware of TUI's concerns but that it should not delay the HEA's decision. Mr Conlon advised that much of the TUI concern were broader than MTU and needed to be addressed at a national forum. The

suggestion that there were only 19 TUI staff involved in discussions was questionable having regard to the fact that there were 22 working groups.

- Having regard to the panel's previous report and the relatively short-time frame since that was produced, what factors contributed to the criteria now being met? Members were advised that factors included the contribution of consultants who worked with both governing bodies and the work of the two Presidents who proactively encouraged staff to participate in the work of the various working groups. The student unions in particular were supportive.
- Effectiveness of joint planning, in particular financial planning having regard to IT Tralee's financial sustainability. The CEO advised that this matter was raised with the CFOs of both Institutes. CIT was fully briefed on the IT Tralee sustainability plan. It was acknowledged that Covid 19 has added to the financial difficulties, but this needs to be addressed at a national level.
- Are there risks to the HE system and the HEA arising from this recommendation, if the commitments made by MTU cannot be met? The CEO acknowledged that success of MTU depended on both institutes, there is not an expectation that the issues need to be addressed immediately.
- Process for preparing the HEA's views recommendation to the Minister. The CEO advised that the Department was looking for a letter within the next week and suggested that the letter should be short and concise while reflecting concerns of the Board as regards sustainability and the limits placed on the panel due to Covid 19. Reference to the TUI matters should also be included. Supporting documentation including the Advisory Panel and Executive's report will be provided. The importance of the HEA's recommendation being evidence based was noted.
- QQI input – Ms Nugent advised that QQI was positively disposed to the MTU proposal. The HEA will liaise with QQI as regards whether its observations will be incorporated into the HEA's submission or if they plan to submit their own findings directly to the Minister.

Decision: Based on the Advisory Panel's report and assurances from the Executive that all the conditions were met, the Board agreed to advise the Minister that the conditions set out in his letter to MTU have been met. The Executive will draft a letter to the Minister and circulate to members for their observations.

5. Report of the Finance and Governance Committee

5.1 The Chair introduced the Committee's report.

5.2 *2019 Recurrent Grant Outturn*

Decision: Members approved the 2019 outturn as set out in memorandum F 3/20.

5.3 Student Assistance Fund and Fund for Students with Disabilities – 2020 Budgets

Decision: Members approved the 2020 allocations as set out in memorandum F 4/20.

5.4 IT Tralee Sustainability Plan

Decision: Members noted that the Committee had approved the issuing of a letter to the DES endorsing the principles of the plan.

5.5 HEA Workforce Plan 2020-22

Decision: Members approved the workplan noting that it will be notified in advance of future iterations of the plan having regard to future developments including the recommendations of the forthcoming business processing reengineering exercise.

5.6 HEA Administration 2020 Budget

Decision: Members noted the 2019 outturn and approved the 2020 administration budget as set out in memorandum F 6/20. Members will be consulted in relation to the 2021 estimates process.

5.7 HEA Rolling Governance Review on Pay, Pensions, Travel, Subsistence and Leave

Decision: Members agreed to refer memorandum A 22/20 to the Finance and Governance Committee.

Decision: Members approved the Report of the Finance and Governance Committee.

6. Report of the Audit and Risk Committee

6.1 Dr Feeney introduced the Committee's report.

6.2 2019 Financial Statements

Members noted the reference to non-compliance with procurement in the Financial Statements. Ms Cunningham advised that this referred to the HEA's use of recruitment agencies without recourse to a tender. A framework has now been put in place to ensure this not reoccur. The Chair advised that the Audit and Risk Committee should be notified where breaches of procurement arise. Members were updated on the process for the purchase of a new Finance System.

Decision: Members approved the 2019 Financial Statements subject to audit. It was agreed that the Executive should press the DES for an urgent decision on the HEA's request for a new Finance System.

6.3 *Amendments to approval limits of expenditure*

Decision: Members approved the amendments set out in memorandum AU 3/20.

Decision: Members approved the Report of the Audit and Risk Committee.

7. Report of the System Development and Performance Management Committee

7.1 Mr Donohoe introduced the Committee's report. The Committee proposed some adjustments to the terms of reference for the landscape review. He briefed members in relation to the TU Transformation Fund and TU Research Network in a general manner having regard to potential conflicts of interest some members may have. There remain a number of outstanding issues which might best be addressed through a meeting with the DES. Ms Nugent updated members on teacher education upskilling programmes.

7.2 *System Performance Metrics and System Performance Report*

Reference was made to research published by academics from DCU and IT Tralee which queried the appropriateness of the HEA's performance metrics. Mr Conlon advised that this research referred to the previous framework.

Decision: Members agreed the 2018 System Performance Report approved by the Board in April 2019 should be published on the HEA website.

Decision: Members approved the Report of the System Development and Performance Management Committee.

8. Report of the Policy and Planning Committee

8.1 Ms Kneafsey introduced the Committee's report. It was also agreed that the Committee would consider a paper on tertiary education prepared by the DES at its next meeting. Members were informed there have been no developments in relation to the HEA's legislation.

Decision: Members approved the Report of the Policy and Planning Committee.

9. Report of the Research and Graduate Education Committee

9.1 The Deputy Chair presented the Committee's report. She noted that discussions on a successor strategy to Innovation 2020 has been suspended. She also noted that the IRC and other research funding agencies issued welcome statements in relation to Covid 19. Issues remain in relation to the funding for those researchers whose research has been paused due to the lockdown. Mr Brown noted the scope for the IRC to extend awards or move funding between schemes/HEIs is extremely constrained, additional funding was accordingly being sought. The Chair advised that he, the CEO and the Deputy Chair met with the Chair of the Council following the Board's last meeting. In relation to the Council's current funding needs he noted the need for the Council to undertake contingency planning.

Decision: Members approved the Committee's report.

10. National Forum for the Enhancement of Teaching and Learning

Decision: Members agreed to consider at its next meeting a paper outlining the pros and cons of three models for the future operation of the Forum.

11. Graduate Outcomes Survey

11.1 Dr Patterson introduced this item. The findings of the 2018 survey were broadly in line with previous years. She advised that it was not proposed to undertake a survey of 2019 graduates in light of the current employment market as data from such a survey is unlikely to be comparable with past or future surveys. It will be possible to track the employment of 2019 graduates using CSO data who have access to revenue commissioner data. She confirmed that the 2018 report included in the documentation would be submitted to the HEA's publication design house before being published on the HEA's website. A briefing note will be prepared for journalists and circulated to the Board for information.

Decision: Members approved publication of the 2018 report and noted the decision in relation to the 2019 survey.

12. Capital Programmes Unit – Authority Update

12.1 Mr McCaffrey introduced memorandum A 21/20. Members were advised that the agreement with the DES outlining the roles and responsibilities of the HEA is near finalisation (HEA / DES Oversight Agreement 2020). This document was separate to the HEA-DES PDA, however consideration could be given to including this document as an appendix. The issue of capital projects which are currently in

the implementation phase, and suspended as a result of Covid 19 was discussed. A query was raised in relation the potential for contractor claims under the contract where works have been suspended as a result of the ongoing international pandemic. Mr McCaffrey advised that the HEA have been liaising with the OGP and the GCCC and in turn advising the HEIs to ensure there was consistency as to how such issues are handled. The HEA has contacted each HEI in relation to the status of capital projects.

Decision: Item noted

13. Members only

13.1 Letter to Minister

The Board asked that the letter to the Minister would be circulated in time to allow member's comment and make amendments, if necessary.

13.2 Impact of Covid-19

The Board expressed their deep concern on the potential negative impact the Covid-19 pandemic may have on the higher education system.

13.3 CEO Review Process

The Chair was reminded that a meeting of the CEO Review Group was outstanding. He undertook to arrange this meeting as soon as possible.

Next Meeting

4th June, via teleconference

Chairperson

Date