

Higher Education Authority**Report of 411th Meeting held on 8th December 2020 via teleconference**

Present: Mr Tony Donohoe (agenda items 1-16)
Dr Bahram Bekhradnia (agenda items 1-16)
Dr Judith Eaton (agenda items 1-12)
Professor Orla Feely, Deputy Chair (agenda items 1-16)
Dr Sharon Feeney (agenda items 1-16)
Ms Lorna Fitzpatrick (agenda items 1-16)
Mr Michael Horgan, Chairperson (agenda items 1-16)
Ms Darina Kneafsey (agenda items 1-16)
Dr Deirdre Lillis (agenda items 1-16)
Dr Jim Mountjoy (agenda items 1-16)
Dr Sinéad O’Flanagan (agenda items 1-16)
Mr Pól Ó Móráin (agenda items 1-16)
Dr Lynn Ramsey (agenda items 1-16)
Dr John Wall (agenda items 1-16)

Apology: Dr Ronan Lyons

In attendance: Dr Alan Wall (agenda items 1-16.1)
Ms Orla Nugent (agenda items 1-15)
Mr Padraic Mellett (agenda items 1-15)
Mr Tim Conlon (agenda items 1-15)
Ms Caitriona Ryan (agenda items 1-15)
Ms Pearl Cunningham (agenda items 1-15)
Dr Vivienne Patterson (agenda items 1-15)
Mr Peter Brown (agenda items 1-15)
Ms Éilis Noonan (agenda item 4)
Ms Catherine Halloran (agenda item 9)

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. While a number of members indicated their involvement in projects funded under the Human Capital Initiative Pillar 3, the Chair noted that this item was for information only.

Quorum

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

Disclosures

No disclosures were raised

1. Report of 410th Meeting held 20th October 2020 and Special Meeting held 6th October

1.1 The minutes were approved.

2. Matters arising

2.1 No issues were raised.

3. Executive Report

3.1 Members were updated on a number of developments;

- Covid 19 claims to the value of €82m have been received from the HEIs. Claims received are a combination of expenses incurred and projected expenses to year end. The HEA is proposing to allocate €70m (85%) before year end. It is planned that the balance will be allocated in Q1 2021 upon receipt of final eligible vouched claims. This will allow time for projected expenditure to materialise and final claims to be submitted and reviewed. Specific terms and conditions were applied to this funding and the Chief Financial Officers were required to sign-off on their institution's submissions.
- COVID Student Support Fund – eligible students are entitled to €250 credit from HEIs. HEA engaging with sector and DFHERIS to collect data on eligible student numbers, excluding those in receipt of SUSI grants, so that payments to HEIs can be facilitated before end December.
- The new Department has embarked on a process to develop a new strategy. The CEO has advised that the Executive will structure a process to enable members make their submission.

3.2 The following issues were raised;

- The work being undertaken by System Funding and Deloitte relating to the review of the processes and procedures in place on the oversight of the recurrent grant should be completed by the year end.
- Mid-term review of the National Strategy. Members were advised that this will likely be addressed under the DFHERIS strategic planning process. The

HEA would include a recommendation that the National Strategy be reviewed when making its own submission to the Department.

- Incorporation of the National Teaching and Learning Forum into the HEA. The CEO advised there were no new developments.
- Follow-up on the implementation of the HEA-KTI 2018 Review of IP – Ms Nugent advised no issues have arisen.
- Higher PPP Programme and risk of building inflation costs. This was under review.

3.3 The Chair advised members that the new Board Teams facility will be in place for the next meeting. It was agreed that any member who requires training on the facility should contact Mr Mellett. The synchronisation of HEA MS Teams invites into members' calendars was also raised. Mr Mellett will follow up with IT.

4. Report of Audit and Risk Committee

4.1 Dr Feeney introduced the Committee's report. The Committee met officials from the Comptroller and Auditor General to consider the management letter issued on foot of the 2019 audit. The Committee was assured that the issues addressed in the letter were being addressed and were unlikely to reoccur. The Committee in particular welcomed the review of processes and systems which is being undertaken by EY under the Business Processing Reengineering exercise. The Committee also received a report from the internal auditors on the HEA's System of Internal Controls. No issues were raised by the internal auditors. The Committee also considered an updated Corporate Risk register and noted sectional risk registers.

4.2 Internal Audit Review of the IRC's Government of Ireland Postgraduate and Postdoctoral Programmes

This internal audit report highlighted a number of issues and the Committee had a detailed discussion on the findings. It was important that the Board and HEA standing committees were aware of their oversight responsibilities as regards the Irish Research Council (The Council). It was noted that the Board, on the advice of the Executive in 2016, has tended not to consider IRC business, it is clear however, that the CEO is the accounting officer for the IRC. The Council does not perform any oversight role in respect of the IRC's finances. The report recommended that consideration be given to further integration of IRC activities into HEA committees (e.g. approval of budgets). The Chair advised members that he and the CEO recently met the Council's Chair and Director. This was at their request and followed a review of governance commissioned by the Council. The relationship between the IRC and HEA was complex with the added complication that the IRC has direct discussions with the DFHERIS on its funding. The lack of legislation underpinning the Council was acknowledged as a problem.

Decision: It was agreed that the Executive should seek legal advice as to the oversight responsibilities of the HEA Board vis a vis the IRC.

4.3 Procurement

The Chair suggested the Executive should highlight any upcoming procurement decisions whether they require the approval of the Board or not. He suggested a list of contracts scheduled to expire within three months be prepared on a rolling basis. Dr Feeney added that the Committee has also requested a dashboard of emerging decisions to include decisions such as the appointment of internal auditors etc.

Decision: Members noted the revised Procurement policy.

4.4 Data Breach

The Committee Chair advised members that the Committee was not made aware of this breach. Mr Mellett advised that the breach had been reported in the Executive report but acknowledged it had not been referred specifically to the Committee. The specific data subjects who were impacted by the breach only emerged in recent days. Ms Noonan outlined the chronology of the data breach. The Chair indicated that this protection breach resulted as a result of an IT security breach and should have been reported to the Audit and Risk Committee. The Executive accepted this and apologised for the oversight. Mr Mellett outlined the steps taken by IT to reduce the likelihood of a reoccurrence. Ms Noonan advised that the Executive has changed the manner in which it will collect personal information, such as data for processing members' fee.

Decision: Members approved the Committee's report.

5. Report of the Finance and Governance Committee

5.1 The Chair advised that the Committee has met twice since the last Board meeting. He advised that the Committee agreed that legal advice should be sought in relation to the question whether Universities' Governing Bodies could meet without the Chief Officer/Executive present. That is, a private members session as part of the Governing Body agenda. The Committee considered the following;

- Update on C&AG issues regarding the audited HEI financial statements
- HEA September 2020 Management accounts
- IUA Capacity Initiative
- Committee Terms of Reference and dates of 2021 meetings

- Notification that Mazars is commencing its review of GMIT's implementation of the recommendations relating to the Mayo campus.

5.2 The Committee's meeting on 7th December considered the HEA's October management accounts and the matters below. The Chair noted that the approach to the 2020 grant outturn and 2021 grant allocation was in line with the approach taken the previous year.

5.3 HEI Covid-19 Costs

Decision: Members approved the proposed approach to funding allocations for COVID-19 2020 Support for Frontline Response, Transition to Online and Back to Education costs for higher education institutions and the proposed high level COVID-19 2021 estimated costs for submission to DFHERIS.

5.4 TLA Funding Allocation

Decision: Members approved the reallocation of €50k from the Fund for Students with Disabilities, HE Contingency Fund, to the FSD EU/UK fund.

5.5 Proposed approach to the finalisation of the 2020 Recurrent Grant Allocation

Decision: Members approved the proposed 2020 outturn as outlined in Memorandum F57/20

5.6 Proposed approach to the 2021 recurrent grant allocation

Decision: Members approved the proposed approach to the 2021 grant allocation as outlined in Memorandum F58/20.

Decision: Members approved the Committee's November report.

6. Report of Policy and Strategic Planning Committee

6.1 Ms Kneafsey introduced the Committee's report. The Committee approved a paper on Irish Traveller participation in higher education noting that numbers are very low. The Committee considered a report on 2018/19 Student Population Socio-Economic Analysis. This report subsequently received good press coverage. The Committee approved the draft Eurostudent VII report. The Committee received a presentation on gender equality, a progress report on the Governance Ireland report and an update on the HEA's strategic planning exercise.

Decision: Members approved the Committee's reports.

7. Report of Research and Graduate Education Committee

7.1 The Deputy Chair introduced the Committee's report. The Committee main discussion was on the planned new legislation. Ms Íde Mulcahy from DFHERIS attended the meeting. There is more detail required on the role the HEC will have in relation to research in higher education. The Committee also discussed its terms of reference, a review of the IRC's Laureate Programme and a successor to the Innovation 2020 research programme.

Decision: Members approved the Committee's report.

8. Report on System Development and Performance Management Committee

8.1 Mr Donohoe introduced the Committee's report. The key item considered was the Technological University application and assessment process. The AIT/LIT consortium has now submitted its application to the Minister. Two further applications from CUA and TUSE are expected within the next few months. The Executive is working to have a report on the AIT/LIT application ready for the Board's March meeting. The Committee also received updates on a number of work packages including the strategic dialogue process. Mr Conlon advised that it was hoped to contact the HEIs on the strategic dialogue process within the next week.

8.2 Members considered the long list of names proposed for the TU assessment panel. The following issues were raised;

- Have any of the proposed panel members wider organisational experience? Mr Conlon confirmed that a number have.
- The need to ensure panel members have no conflicts of interest. Mr Conlon confirmed this would be addressed.
- The need for a balance of new panel members with some who have prior experience of the TU process.
- Members were advised that if they had suggested names for the forthcoming CUA and TUSE assessment panels they should forward same to Mr Conlon.

Decision: Members approved the Committee's report and approved the long list of panel names.

9. HEA Communications Strategy

Ms Catherine Halloran, newly appointed Head of Communications was introduced to the Board. The Chair welcomed her to her first Board meeting.

9.1 Ms Halloran presented a draft Communications Strategy. She focused on the following;

- Who we are – the HEA an expert and trusted voice on higher education
- Core values of the HEA
- Rationale for a communications strategy – the strategy needs to be a living document and adapted as required
- Strategy objectives – to promote and protect the reputation of the work of the HEA
- HEA target audiences and how we will communicate with them
- Specific tactics including the use of regional media and using an on-line media platforms
- HEA website and other social media accounts – the HEA needs to be more active on Twitter. The HEA is now using video for some campaigns.
- Media engagement, the HEA is reviewing and updating its media list contacts
- Internal communications including adoption of an agreed internal media channel

9.2 The following issues were raised by members;

- More regular provision of social media analytics would be welcome
- Approach to engagement with international higher education
- It was agreed to add student contacts to the HEA's media list
- How does the HEA's media strategy address the HEA's regulatory role and HEI autonomy?
- The point was made that the HEA can engage with business interests such as AMCHAM who have an interest in higher education.
- The strategy should have some KPIs so as to measure its impact.
- What was the biggest communications challenge currently facing the HEA. Ms Halloran advised that the HEA need to substantially enhance its social media presence.
- It was agreed that the Executive should engage with HEIs in relation to the HEA's communications strategy at an appropriate time.

Decision: The Executive will finalise the Communications Strategy having regard to the above feedback.

10. Board self-evaluation

10.1 Discussion on this item was deferred until the next meeting.

11. Procurement: Mitchell Kane and EY

Decision: Members approved the appointment of Mitchell Kane as the framework provider for the provision of services for the design of HEA and IRC publications. Members also approved the extension of the HEA's business processing reengineering contract with EY.

12. Schedule of Board Meetings

Decision: Members noted the 2021 schedule of meetings as previously agreed.

13. Progress on Gender Equality in Irish HEIs 2016-2019: A National Summary Report

13.1 Members welcomed the report. The issue of unconscious bias training was raised. The report suggested that it was only being provided by HEIs to new staff. It was suggested that the HEA recommend that HEIs follow PAS guidelines and make such training mandatory for all HEI staff serving on interview boards. The value of on-line unconscious bias training was also raised. Other structural issues impacting on gender equality such as use of fixed-term contracts and work burden were raised.

Decision: Members approved the publication of the report. The Executive agreed to provide regular feedback.

14. Presentation of HEA Statistical Data

14.1 Discussion on this item was deferred until the next meeting.

15. Human Capital Initiative Pillar 3

Decision: Members noted the memorandum. Members were advised that there will be a conference every two years on HCI projects.

16 Appreciation of Staff efforts during 2020

The Chair on behalf of the Board expressed his deep appreciation for the efforts of the Senior Management Team and all staff of the HEA during 2020. He asked that the Board's thanks and good wishes be conveyed to all staff members.

17. Members only session

17.1. New HEA Legislation

The members suggested that a more regular reporting of discussions on the new legislation would be appreciated by the Board

17.2. Communication with the Board

The Board acknowledged the difficulties that had arisen because of Covid, but feel that more direct communications between the Leadership and the Board would be beneficial.

17.3. CEO Review Process

The Board approved the CEO process as drafted by Ms Siobhan Browne.

17.4 IT & Data Breach

The Board expressed its serious concern at how the IT and Data breach had been handled.

Next Meetings

26th and 28th January 2021

Chairperson

Date