

## Higher Education Authority

### Report of Meeting of the Board of the HEA held on Tuesday 14<sup>th</sup> March 2023 in the Dublin office.

- Present:
- Mr Tony Donohoe (agenda items 1-15)
  - Dr Judith Eaton (agenda items 1-15)
  - Professor Orla Feely, Deputy Chair (agenda items 1-14)
  - Mr Michael Horgan, Chairperson (agenda items 1-15)
  - Ms Darina Kneafsey (agenda items 1-15)
  - Dr Sinéad O’Flanagan (agenda items 1-15)
  - Mr Pól Ó Móráin (agenda items 1-15)
  - Dr John Wall (agenda items 1-15)
  - Dr Sharon Feeney (agenda items 1-14)
  - Mx Beth O Reilly (agenda items 1-14)
- In attendance:
- Professor Daniel Carey, IRC Chair (agenda items 1-14)
  - Professor Maria Clarke, SETL Committee Chair (agenda items 1-14)
  
  - Dr Alan Wall (agenda items 1-14.1)
  - Ms Orla Nugent (agenda items 1-13)
  - Mr Padraic Mellett (agenda items 1-13,15)
  - Mr Tim Conlon (agenda items 1-13)
  - Ms Caitriona Ryan (agenda items 1-13)
  - Dr Vivienne Patterson (agenda items 1-13)
  - Dr Louise Callinan (agenda items 1-13)
  - Ms Sheena Duffy (agenda items 1-13)
  - Ms Eilis Noonan (agenda items 1-13,15)
  - Dr Victoria Brownlee (agenda item 1-13)
  - Dr Deirdre Quinn (agenda item 1-13)
  - Ms Valerie Harvey (agenda item 9)
  - Mr David Reilly (agenda item 9)
  - Mr Brian Johnston (agenda item 11)
  - Ms Teresa Gallagher (agenda item 12)
  - Mr Paul Whyte, Governance Ireland (agenda items 1-13)
  - Dr Michael Kelly, Governance Ireland (agenda items 1-13)
  - Mr Colin Cooper (item 15)

#### 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. None were raised.

#### Quorum

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

## Opening Remarks

The Chair welcomed Professor Clarke and Professor Carey to their first HEA Board Meeting.

The Chair noted the attendance of Dr Michael Kelly and Mr Paul White from Governance Ireland who were observing the meeting as part of an ongoing evaluation exercise and thanked them for their work.

The Chair passed on the Board's congratulations to Professor Feely on her appointment as President of UCD, and condolences on the recent death of her father.

There was a change to the agenda as circulated, item 12 which concerned an update from Dr Deirdre Lillis on the Research and Innovation Bill will take place at the April meeting of the Board.

### 1. Report of previous meeting

1.1 The minutes of the previous meeting held on 24<sup>th</sup> January were agreed.

### 2. Matters arising

2.1 It was noted that a memo regarding the Proposed Allocation of 2023 Grant was circulated to Board Members on 14<sup>th</sup> February for electronic approval, which was approved.

2.2 It was agreed that the Corporate Plan as required under the HEA Act 2022 and the Strategic Plan as required under the Code of Practice for the Governance of State Bodies can be taken to refer to the same document. It was confirmed that this had been agreed with DFHERIS.

2.3 Members remarked that additional training for Board Members on HEA Act and its implications would be useful, and further clarity on this would be a valuable legacy to leave the new Board. It was agreed that in advance of the April meeting, the Executive will arrange a further briefing for Members on the provisions of the HEA Act 2022.

### 3. Report of the Finance Committee

3.0.1 Dr O'Flanagan presented this report.

#### 3.0.2 HEA and IRC Administration Budget 2023

The Committee considered Memorandum F2/23. The Executive provided an overview of the HEA 2023 Administration budget indicating a proposed deficit outturn of €700k which will be met from c.€3m revenue reserves carried forward. The Executive provided an overview of the IRC's 2023 Administration budget indicating a proposed deficit outturn of €345k which will be met by €365k revenue reserves carried forward.

**Decision:** The Board approved the HEA & IRC 2023 Administration budgets.

### *3.0.3 IRC Programme 2022 Outturn and 2023 Budget*

The Executive provided an overview of the IRC Programme outturn for 2022 and confirmed that when the additional DFHERIS allocation of €667k in support of stipends for researchers is considered, the total 2022 allocation from DFHERIS was c.€49.9m. When additional funding streams are considered, the total IRC income received for 2022 was c.€54.2m. The IRC's Programme Budget for 2023 is broadly similar to 2022.

**Decision:** The Board approved IRC's Programme Budget for 2023.

### *3.0.4 Finance Committee Governance Document*

The terms of reference of the Committee as set out in the Governance Document were discussed. The Executive reviewed the terms of reference and did not identify any further amendments arising from the HEA Act 2022. Members queried if the current HEA committee structure will continue after the appointment of the new HEA Board or if this structure will change. It was indicated that this would be a matter for the new Board to decide.

**Decision:** The Board approved the Finance Committee's Governance Documents.

### *3.0.5 Covid 19 Support Grant- Safe Return Allocations*

The Executive outlined the funding provided to institutions since 2020 to assist meeting the challenges posed to the sector as a result of the Covid-19 pandemic. C.€82m was provided in 2020 and an additional €57m was provided in 2021 for the 2021/22 academic year. The Department agreed that excess eligible claims submitted under the previous support package (c.€7m) for the period January to September 2021 could be claimed as part of the Safe Return package (€57m). The Executive are completing a review of claims submitted by the institutions for the period October 2021 to September 2022 and following completion, institutions will be informed of any balances due or refundable.

Members noted that the C&AG referenced the level of ineligible Covid-19 claims submitted previously by institutions.

**Decision:** The Board approved the approach to the final Covid-19 support payments.

### *3.0.6 2023 Access Funds Allocation (SAF and FSD)*

The Executive provided an overview of the SAF and FSD 2023 budgets, noting the allocations are €9.1m for SAF and c.€7.7m for FSD. The Committee noted the ongoing annual underspends, however they acknowledged that the Covid pandemic made it difficult to the spend allocations.

**Decision:** The Board approved the 2023 financial year allocations.

### *3.0.7 Audit of HEA Covid-19 Related Costed Extensions Funding Scheme*

The scheme was originally introduced in 2020 with €47.7m of funding provided to help support researchers and research students to continue their work throughout the pandemic.

The scheme is now closed with an underspend of c.€817k from the original allocation to be returned to DFHERIS. Mazars commended the Executive on the operation of the scheme and the clarity of the Terms of Reference which made administration easier. Mazars also recommended an FAQ document for any potential similar schemes in future.

**Decision:** The Board approved the return of €817,306 for this scheme to DFHERIS.

### *3.0.8 Report on HEIs 2020/2021 Audited Accounts*

The Committee noted the issues highlighted by the C&AG and other issues noted in the statutory accounts of the higher education institutions for 2020/21, the timeliness of sign-off of audit reports and the level of non-compliant procurement.

### *3.0.9 AOB*

- Financial dashboards informed by annual HEI budget meetings will be reviewed at next Committee meeting.
- Members only- Members agreed to evaluation of Committee performance prior to October meeting.
- Structure has changed & membership- review will be complete before next Board meeting.
- DKIT have procured the services of a financial specialist with sectoral experience to assist with the implementation of their sustainability plan - the Board noted this.

Members noted the Committee's report.

## **4. Report of the Audit & Risk Committee**

4.0.1. Ms Keafsey presented a report of the meeting held 20<sup>th</sup> February and provided a verbal update of the meeting of the ARC on 6<sup>th</sup> March.

### *4.0.2 C&AG Management Letter 2021 Audit*

There were two high rated findings in this report:

1. A number of HEIs have significant cash balances and there is concern that funds voted for current purposes are being used for capital. Executive are working with the sector to agree a protocol.
2. No repayment terms had been agreed for MTU 2019 emergency advance funding. This has now been resolved.

### *4.0.3 Internal Audit 22 Report*

Reports from Deloitte on the 3 audits performed in 2022 were presented to the Committee.

### *4.0.4 Risk Management*

Biannual review of risk management report was presented to the Committee.

**Decision:** Members noted the updated Corporate Risk Register to be considered at a future meetings of the ARC and the Board

#### *4.0.5 IRC COALESCE Error*

This administrative error from May 2022 affecting a single application was previously reported to the Finance and Governance Committee and the HEA Board. Members noted the risks inherent in the reliance on spreadsheets, and that training had been put in place to mitigate this risk.

#### *4.0.6 Data Protection Update*

The Data Protection officer reported on the ongoing management of the Springboard+ data breach of September 2022. There will be a further compliance review done on the programme in Q2 2023.

#### *4.0.6 2022 Financial Statements*

The Committee recommended that the 2022 draft Financial Statements be approved by the Board, subject to C&AG Audit. These will be made available to the Board at the April meeting with the second ARC minutes.

#### *4.0.7 Internal Audit Workplan 2023*

The Committee reviewed the proposed internal audit work plan for 2023 and agreed the following schedule for 2023:

- (1) Internal financial controls
- (2) GDPR compliance of Springboard Funding Programme
- (3) Cybersecurity

#### *4.0.8 Fraud Response Plan*

The Committee approved the Fraud Response Plan.

#### *4.0.9 Other items considered by the ARC*

- The Protected Disclosures Policy was approved by the Committee.
- Request from the Committee for information on secondments, this will be included in HR metrics report in April Board meeting.
- The ARC Annual Report & Governance document were reviewed and agreed by the Committee.
- Extension of the existing framework agreement for temporary staff recruitment services for 12 months was recommended

**Decision:** Members approved the 12 month extension for temporary staff recruitment services

#### 4.1 Members raised the following queries:

- Members noted the request that a culture review take place in Q1 2024. Typically cultural reviews provide a sense of where an organisation is currently at, considering its values and morale. This is not appropriate for scheduling in 2023 due to the level of structural change in the organisation, HEA HR will consider some initial scoping work in the form of staff survey this year.
- Members noted that in this context a “Great place to work” programme could be considered. Members were advised that the HEA held a strategy and leadership development programme with APO’s in February which received very positive feedback from participants. Another development day for Senior Executive Officers is planned for March. These sessions will also inform wider engagement with staff and a future programme of activity will be developed.
- Issue of cash reserves - are institutions being penalised for good performance? This is a systemic challenge for institutions, impossible to disentangle reserves generated from non-Exchequer sources. The Executive is working on a protocol for transfers to capital development reserves.

## 5. Report of the Irish Research Council

### 5.0.1 Professor Carey presented this report.

#### *5.0.1 Formation of new research funding agency*

Dr Lillis joined the Council for a portion of their meeting on 27<sup>th</sup> January, however the draft Heads of Bill were not available at that time. She outlined that stakeholder consultation on the new legislation will take place through the pre-legislative scrutiny process, and via a more targeted consultation with key stakeholders including the Irish Research Council and Boards of the HEA and SFI, key government departments, the Impact 2030 Steering Group and research performing organisations. Professor Carey noted that questions around governance remain outstanding, as does clarity around the prospect of new SFI research centres potentially affecting the budget of the new agency.

Dr Lillis also provided an update as to the consultation process on the provision of Science Advice to Government. Submissions have been considered by the Department and recommendations are being finalised. The Department clarified that ‘science’ advice referred to science specifically and not to other disciplines. The Council noted that this narrow definition may be a concern.

#### *5.0.2 Employment-Based Programme Terms and Conditions*

The Council approved updates to the Employment-based Programme Terms and Conditions in order to more closely align with the General Early Career Awards Terms and Conditions.

### 5.0.3 Terms of Reference for Review of COALESCE Scheme

The Council approved the Terms of Reference for the Review of the COALESCE Scheme.

#### 5.1 Members raised the following issues:

- In relation to the spreadsheet error on COALESCE, is reliance on spreadsheets still common practice? Yes, however the Executive have implemented a number of additional safeguards to mitigate against administrative errors. In the context of the transition to new agency, it is not considered the appropriate time to introduce alternative technologies.
- Draft Heads of Bill- Concern around the seemingly narrow focus for consultation. A wider and more lengthy consultation process with stakeholders was envisaged and expected. There is an eight-week timeline for pre-legislative scrutiny. Executive will feed back to DFHERIS the concerns over the approach to consultation. It was noted that there was a much deeper consultation process for the UKRI.
- Governance arrangements of new agency- Will the Academic Council play a significant role in the envisaged governance structure? Currently this is a purely advisory body and the Board of the new agency will ultimately be the deciding body.
- It was noted that a decision had been made to subscribe to CERN? Would this fee be drawn from existing funding for research? It is understood that this was seen by DFHERIS as an infrastructure investment covered by existing budget.
- Is there a mechanism by which we can get a ballpark evidence-based figure of HEA financial contribution to research formation? Mr Conlon agreed to look into this.
- Role envisaged for HEA with new agency and research landscape - HEA Act gives HEA a continued strong role in research policy. It is envisaged that the new agency would consult HEA on an annual basis in relation to planning. HEA would remain the stewards maintaining a balance between teaching & learning and research.
- It was agreed that the Authority had a duty to continue to raise issues and concerns and feed back to DFHERIS as this process develops. While it was noted that Dr Lillis would be providing an update to Members at the April meeting, the Executive will in the meantime convene a meeting of members to consider the Heads of Bill once they have been brought to Cabinet, expected to be 21<sup>st</sup> March.

**Decision:** HEA Executive to convene a meeting of members after 21<sup>st</sup> March to review draft Heads of Bill for the Research & Innovation Bill in advance of April Board meeting.

Members noted the Committee's report.

### 6. IRC Assessors Fees- Memorandum B13/23 attached

6.1 Dr Callinan presented this memo. Members were requested to approve a Purchase Order to the value of €346,000 to provide for payments to expert assessors and panel members for Irish Research Council funding programmes.

**Decision:** The Board approved this expenditure.

## **7. Student Engagement and Teaching & Learning Committee – Memorandum B14/13**

7.0 Mr Mellett presented this memo. Members electronically approved the appointment of Professor Marie Clarke as Committee Chair. Members were requested to approve amending the Committee's terms of reference in relation to the term for external members. As membership of the HEA Board is now staggered it was proposed to amend the terms of reference to reflect that external appointments shall be for up to three years and may be renewed for an additional two years. Members were also requested to discuss and agree the skills and competences required for external members of SETL.

The Chair highlighted that the HEA Act puts students front and centre and suggested this should be reflected in the Committee with up to two (2) additional student representatives provided for in the membership. The IUA and THEA representation would be reduced to one (1) each (with the option of alternate/substitute attendance). USI could be asked to nominate additional persons, but the search might also need to include the unaffiliated students' unions. Beth O Reilly noted that UCD SU having a USI affiliation referendum this year and that the situation might change. It was agreed to increase the number of student nominees to four (4) in total.

- 7.1 Members raised the following issues:
- In considering the appointment of international advisors, emphasising a student focus, student engagement and student success should also be considered, while accepting that the final selection of external expertise is best left to the subcommittee.

Having regard to the above the Executive will begin the process to recruit external members of the Committee. It is hoped to have a meeting of the Committee in advance of the next Board meeting.

**Decision:** Members approved the proposed amendment to the terms of reference, including additional student members and the skills and competencies required for external membership of SETL.

## **8. Extension of Springboard Application Management System Provider, Vidatum- Memorandum B15/23**

8.0 Dr Patterson presented this memo. Members were asked to approve a contract extension for the provision of support and maintenance of the website and application management system for the Springboard+ programme, for a further 12 months (13<sup>th</sup> April 2023-12<sup>th</sup> April 2024). This extension was provided for in the original tender. Actual and committed expenditure to date is €89,875.00 excluding VAT.

8.1 Members raised the following issues:



- Did the system have anything to do with the September 2022 data breach on the Springboard+ programme? It was confirmed that the breach related to a legacy system linked to Springboard that is no longer in operation. The system and the programme are regularly reviewed in terms of security and GDPR compliance.

**Decision:** Members approved the extension of this contract.

## **9. Eurostudent Report- Memorandum B16/23**

9.1 Dr Patterson and Ms Harvey presented this report. The Eurostudent report presents social financial conditions of students in Ireland and feeds a European-wide database of student information. Key findings of the report were broken down into the following categories:

1. Demographics
2. College Entry Route, Transition and Access
3. Income and Expenditure
4. Accommodation
5. Course Workload, Student Employment and Time Budget
6. Student Mobility
7. Mental Health and Wellbeing
8. Effects of the Covid-19 Pandemic
9. Experiences of Discrimination

9.2 Members raised the following issues;

- Focus of report- cost is one of the big factors in terms of mobility.
- Members noted that the report has been distributed to relevant policy sections in HEA for useful learnings.
- The report provides information around student accommodation and student budgets/finances. This data will be shared with DFHERIS.
- Response rate of 8.7% rate- reasons for this? It is a very long survey; this has always been challenging as regards the response rate. HEA has no scope to edit content as it is a European survey.
- Sample size- is it sufficient to draw conclusions? Data is weighted for non-response, a total of 21,000 students provided valid responses, which is sufficient to allow valid conclusions to be made.

- How does it compare against UK National Student Survey (NSS) vs European? UK have removed themselves from Eurostudent, much more comprehensive push for NSS.

**Decision:** The Board approved the Eurostudent report for publication. The Executive will work with the Head of Communications to develop a communications strategy for the Eurostudent 8 report.

## **10. Delegation of Pension Appeals- Memorandum B17/23**

10.1 Mr Mellett presented this Memo. The Board was requested to agree the delegation of decisions on pension appeals function from the Board to the CEO, and in turn that the CEO can delegate this function to the Executive.

The proposed process is that a member of HEA staff will draft pension determinations following consultation with the Departments (DPER and DoE acting on behalf of DFHERIS) as per the current process and this will be then issued to the CEO for approval. The Board shall be notified, when a pension appeal has been received, when a pension determination is to be submitted to the Ministers for their consent and when the Ministers consent has been provided and that the determination has issued to the appellant. In notifying the Board of proposed determinations, personal information will not be provided.

**Decision:** The Board approved the delegation of pension appeals to the CEO, noting that the Board will continue to be informed of draft determinations before they issue to the Minister for approval. Under the new Act, the Chair is obliged to inform the Minister of this delegation.

## **11. Climate Action Plan- Memorandum B18/23**

11.1 Mr Mellett presented this Memo. Members were requested to approve the HEA's Climate Action Plan which outlines how the HEA will deliver on energy and greenhouse gas reduction targets over the next 2-3 years. A recent energy audit identified opportunities for both HEA and its landlord to take. The HEA is on track to achieve its targets for by 2028. A further report will be made to the Board in the autumn.

11.2 Members raised the following issues:

- Can information on usage be sought from landlord? Yes, the HEA are receiving this information.
- Has continued hybrid working been factored into the plan? It was confirmed that this has contributed to reduced energy use. The HEA does not gather data on staff commute to work. Business travel is collated, the HEA seeks information on international travel through our travel provider.
- Can hybrid model of working be modelled in terms of traffic? A further iteration will be modelled in Q3 allowing for changes in staff attendance in the HEA offices.

- 2016-18 baseline- what is the rationale for multiyear baseline? This is set by SEAI, it was felt best to set a baseline using three year's average.
- HEA are discussing with landlord around looking at charging points for EVs, IPUT have commissioned its own energy audit.
- Heat pumps in building- are these earth or air based? It was confirmed the HEA's energy auditor had recommended an air-based heat pump. Ultimately this was a matter for the landlord to agree.
- Potential for solar panels? Limited opportunity at the moment but this may be addressed in the landlord's energy audit report expected at the end of March.

**Decision:** The Board approved the Climate Action Plan for submission to the Department.

## 12. System Performance Framework Update- Memorandum B19/23

12.1 Mr Conlon presented this report. The Board was requested to consider and approve the revised System Performance Framework 2023-2017 and the approach to developing performance agreements with institutions.

The Framework went out to consultation with institutions, and the HEA received 17 responses which have been reviewed. Key feedback from the consultation included observations on the matrix and themes, the reporting and dialogue process and the benefit of utilising a broad range of metrics in line with international benchmarks. The HEA Statistics section were also consulted in terms of these indicators.

12.2 Members raised the following issues:

Will governance considerations form part of the System Performance Framework and subsequent annual review process? The System Performance Framework document will be expanded to include further details regarding the engagement between the System Performance Framework and the Governance Oversight Framework. Institutional governance is reviewed in advance of the annual strategy and performance dialogue process and the evaluation of impact assessment case studies.

- Challenging in terms of knitting together performance and governance and how to communicate this with the institutions. The annual reporting process for the System Performance framework is still being developed.
- While the Executive noted that the System Performance Framework and the Governance Oversight Framework are very distinct and complementary processes and serve different functions. However, the Board insisted that Institutional Governance must be a key element in reporting on System Performance outcomes.

**Decision:** The Board approved the revised Framework and the approach to developing performance agreements with institutions. The Executive will consult with DFHERIS before publication on the HEA website (expected end of March).

## 13. Executive Report

Members raised the following issues:

- Items that feature on the Board agenda or Committee reports should not be included in Executive Report, this was noted by the Executive.
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- Item 3.3 of Report: on the issue of non-progression statistics during Covid, can this be elaborated on? During the pandemic more students remained in education, non-progression rates increased as we moved out of the pandemic last year.
- North-South research programme- accommodation is a major factor in student recruitment, is the same being seen as an issue in IRC schemes? Yes, this is seen across the organisation.
- HEA-HEI Budget meetings commence in March and conclude after Easter, agenda items include outturn, planned budgets, procurement and as appropriate governance matters.
- Has HEA any involvement in PhD stipend review? HEA Policy section has been invited for consultation with DFHERIS, along with doctoral advisory group, and this is due to meet in the coming weeks. Group is due to report in April.
- Capital funding- are projects being prioritised by timeline, are delays still posing a challenge? Yes, internal processes are in place to manage this.
- HEA meeting with Chairs of Technological Universities- found it very informative and will be following up with Chairs of older Universities in due course.

#### **14. Members only session**

There were no items to discuss with the CEO present

In the CEO's absence the Chair reported on the meetings of the Advisory Group established to advise the Board on the reappointment of the CEO for a further five year period.

It was reported that the Advisory Group had met on a number of occasions. As part of their deliberations they developed a questionnaire for the Board and also drafted a risk analysis on possible scenarios regarding reappointing or not. Following discussions, the questionnaire was put to the Board and it was unanimously agreed that the CEO, Dr Alan Wall should be recommended to the Minister for reappointment for a further five years from the expiry of his current contract.

It was noted that the DFHERIS will need to obtain the approval of DPER to the recommended reappointment.

#### **15. Presentation from Admin Control on new Board Papers Facility**

15.1 Steven Gillies from Admin Control delivered a briefing to Members on the new Board Papers facility which is being trialled for a 12-month period. The briefing focused on how the facility will work for Members and how features like annotation of documents operated. It

was confirmed that members will continue to have access to own HEA email addresses however, the intention was that communications will be fully through Admin Control from May.

15.2 Members remarked that it would be useful to have previous Board and Committee papers available on the facility for references purposes, and the Executive agreed that they will work on populating these in Admin Control.

15.3 Timeline for Admin Control migration process:

<b>Board Meeting:</b>	<b>Arrangements:</b>
March 14th	Predominantly Teams but March Board pack available on Admin Control for reference
April 25 <sup>th</sup>	Dual process, Teams, and Admin Control
June 27 <sup>th</sup>	Admin Control

**Next Meeting**

The date of the next meeting was agreed as Tuesday 25<sup>th</sup> April 2023 at 10:00am.

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Chairperson

Date