

**Higher Education Authority****Report of 402<sup>nd</sup> Meeting held on 5<sup>th</sup> November in the HEA's Offices, 3 Shelbourne Buildings, Dublin 4.**

Present<sup>1</sup>:

- Dr Bahram Bekhradnia (agenda items 1-12)
- Mr Tony Donohoe (agenda items 1-12)
- Dr Judith Eaton (agenda items 1-12)
- Professor Orla Feely (agenda items 1-12)
- Dr Sharon Feeney, Deputy Chairperson (agenda items 1-12)
- Ms Lorna Fitzpatrick (agenda items 1-12)
- Mr Michael Horgan, Chairperson (agenda items 1-3, 5-12)
- Ms Darina Kneafsey (agenda items 1-12)
- Dr Deirdre Lillis (agenda items 1-12)
- Dr Ronan Lyons, by teleconference (agenda items 1-12)
- Dr Jim Mountjoy (agenda items 1-12)
- Dr Sinéad O'Flanagan (agenda items 1-3, 5-12)
- Mr Pól Ó Móráin, by teleconference (agenda items 1-12)
- Dr Lynn Ramsey (agenda items 1-12)
- Dr John Wall, by teleconference (agenda items 1-3, 5-12)

In attendance:

- Dr Alan Wall (agenda items 1-12.1)
- Ms Orla Nugent (agenda items 1-11)
- Mr Padraic Mellett (agenda items 1-11)
- Mr Tim Conlon (agenda items 1-11)
- Dr Vivienne Patterson (agenda items 1-11)
- Ms Pearl Cunningham (agenda items 1-11)
- Ms Caitriona Ryan (agenda items 1-11)
- Ms Siobhan Sleeman (items 4, 5 and 8)
- Dr Miriam Liston (agenda items 4, 5 and 8)
- Dr Louise Callinan (agenda item 9)
- Dr Dorota Migocka-Sendlak (agenda item 9)

Members at the start of the meeting considered any potential conflict of interest.<sup>2</sup>

The Chair welcomed the new CEO Dr Alan Wall to his first meeting as CEO and wished him well in his new role.

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<sup>1</sup> The quorum for HEA Board meetings, six members, was met.

<sup>2</sup> Mr Michael Horgan and Dr Sinéad O'Flanagan, former employees of RCSI absented themselves from the discussion on the College's application for University status (item 4). Professor Feely, Dr Feeney, Dr Lillis, Dr Lyons, Dr Ramsey and Dr Wall absented themselves from the decision on Performance Funding (item 3). Dr Ramsey absented herself from the initial discussion on the National Teaching and Learning Forum (item 11.4).

## 1. Report of 401<sup>st</sup> Meeting held 3<sup>rd</sup> September

1.1 The minutes were approved.

## 2. Matters arising

### 2.1 *Risk Assessment of HE System*

The status of the risk assessment of the HE system was raised. Ms Nugent updated on discussions she has had with the DES in relation to its review of the Cassells report. The purpose of this was to ensure the terms of reference for the HEA's review did not overlap with any potential work carried out by the DES. Ms Nugent noted an opportunity to engage with an OECD initiative to review funding models. Both of these items are at an early stage. The following points were made;

- The concern raised was the adequacy of funding for the system, not how funding was allocated. Ms Nugent advised members that the Finance & Governance Committee was briefed and recommended on the HEA estimates submission.
- Concern was expressed about the reductions in funding and in the staff:student ratio, but it was noted that there was some evidence that these reductions had not yet impacted deleteriously on outcomes.
- While it was acknowledged that many institutions have secured additional research revenue, it was argued that this does not add to the resources available for teaching, learning and student services. There are numerous examples where the impact of the state cut in funding can be seen including higher staff: student ratio, overburdened student welfare services.
- Many of the HE funding problems can be attributed to the significant growth in participation rates and an underdeveloped further education sector.
- The CEO suggested there was an opportunity for the HEA, in advance of forthcoming legislation, to pre-empt the type of body it wants to be. He did not think issuing pre budget submissions would be a worthwhile exercise. Members noted however that there was an opportunity for the HEA to engage with the annual estimates process.

### 2.2 *Rolling Review*

Item 6 – Ms Nugent updated on the status of the Deloitte rolling review report. The HEA will be writing to HEI's week commencing 11<sup>th</sup> November. This correspondence will provide the report, advising the Institution of the findings

and requesting that their Governing Authority confirm that the findings have been addressed. Further communications activities are being planned.

### *2.3 Board Evaluation*

Item 7 – Mr Mellett advised that the external evaluation of the Board will be undertaken by Governance Ireland. Members agreed to a representative from Governance Ireland attending the next meeting to observe the meeting on the understanding that a confidentiality clause was agreed. Members were also advised that the HEA had been requested to facilitate a TU Dublin PhD candidate to survey the Board for a study on the effectiveness of the board of directors of state agencies. This was agreed on the understanding that views of individual members or the HEA are not attributed in the research.

## **3. CEO's Report**

### *3.1 Workplan*

Members noted that a detailed report on implementation of the 2020 workplan will be provided at the January 2020 meeting.

### *3.1 IT Tralee Funding*

Ms Nugent reported that a sustainability plan has now been received from IT Tralee. Deloitte have been requested to carry out a due diligence exercise on the report. The Institute has advised that it does not require any further additional emergency funding in 2019. A decision as to how the additional €5m provided in 2019 will be treated remains to be made. The options are to convert to a loan or treat as an additional grant. She advised that the DES is still considering a statutory inspection process.

### *3.3 Munster TU*

Members were advised BH associates were engaging with Munster TU. Ms Nugent outlined the key points the Minister made in his letter to the two institutes. The applicant institutes (CIT and IT Tralee) are required to submit a final report to the Minister for Education and Skills detailing their compliance with the conditions set by the Minister in line with Section 35 (1) and (2) of the Technological Universities Act, no later than the end of Q1 2020. The two institutes were requested to establish a joint governing body steering group, comprising the main stakeholders in both institutes and with appropriate authority from the governing bodies of both institutes, to drive the project forward and ensure greater communication of the TU project.

### *3.4 Employment Control Framework*

Members were briefed on discussions with the DES and D/PER. The ECF Monitoring committee has been re-instated, its first meeting will be held in November. The membership of this committee will include representatives from the HEA, DES and D/PER. Other parties including the IUA and THEA will be invited to join as the work progresses. The intention is to address anomalies and over time allow greater institutional autonomy.

### *3.4 WIT IP Review*

Members were advised that the Institute will be undertaking its own review exercise and accordingly the review the HEA had planned to carry out at the request of the DES has been put on pause.

The Chair advised that he has spoken to the CEO on the need for a structure to manage future requests from the DES to undertake reviews.

### *3.5 IUA Governance Code*

Ms Nugent updated on developments. Members queried the reasons why a separate code was needed and the process for approval. A review meeting will be scheduled for Q1 2020 with the IUA and THEA to discuss Governance and associated codes.

## **4. Application from RCSI for University status**

4.1 The Chair and Dr O’Flanagan absented themselves from discussion on this item. Dr Feeney chaired this item. Ms Nugent introduced this item noting that the application was considered having regard to the criteria set out in the Qualifications and Quality Assurance (Education and Training) (Amendment) Act the 2019. The assessment involved reviews carried out by Deloitte, Prospectus and the HEA Executive.

4.2 Members raised the following issues;

- Was consideration given to establishing a panel to visit the College? Members were advised that this was not a requirement of the legislation.

- Role of the DES in the process. Members were advised that the DES reserves the right to meet the College, after the HEA has issued its recommendation, before a decision is made by the Minister.
- Reference was made to the Deloitte finding in relation to S. 55 (1) (e), the Executive was satisfied that all PhD supervisors in the College met the statutory requirements.
- The lack of student representation on the governing body was raised. Ms Sleeman acknowledged this and indicated that membership of the governing body of the College (the 'Council',) is set by statute, which constrains the College in altering the composition of the Council. It was agreed to refer to this concern in the HEA's letter to the Minister
- To what extent were the criteria for RCSI comparable with TUs? Members were advised they were broadly similar. The TU legislation goes into more detail.
- Foregrounding of the Executive's views on the findings of Deloitte and Prospectus would have been welcome. Members were advised that both reports will be forwarded to the DES with the HEA's findings and recommendations. The Executive included a summary of the findings of both reports in its own assessment of four specific areas not included in the remit of Prospectus or Deloitte to assist the Board in its assessment of the application. This brings together the findings of each of the three reports.
- Consideration should be given to a communications strategy having regard to the HEA's earlier decision on the Munster TU application.

**Decision:** Members agreed that they were satisfied that the RCSI met the criteria set out in legislation for authorisation to describe themselves as a university and recommended that this view be conveyed to the Minister to assist his decision-making. It was agreed to make reference to the lack of student representation on the College's governing body.

## 5. System Performance Funding

5.1 Ms Nugent introduced this item. The following issues were raised;

- Should the panel have signed off on the proposed awards? Ms Sleeman advised that the panel ranked the proposals received and provided advice to assist the Executive in making the proposed allocations.
- Was proposing fewer awards at a higher value considered? Ms Nugent advised that there was a reasonable gap in the margin between those projects recommended for award and those not recommended. Given the closeness in the marks within the category recommended for funding, the panel was reluctant to recommend just a number of these projects be funded.

- Were any lessons learned by the Executive as regards the process? Members were advised that the assessment might best have been undertaken after the HEI self-evaluation reports on the compacts had been considered. A number of other learnings have been captured and will inform future processes.

5.2 Consideration might be given to changing the award criteria for this programme next year with fewer awards of a higher value being made. This may necessitate separate allocations for the universities and IoT sectors. Mr Conlon noted that this was the first step in the allocation of performance funding and noted the possibility that institutions could lose some funding to be allocated to a central fund to award other institutions deemed to have had exceptional performance.

5.3 Members noted the considerable number of top-slices currently being managed by the Executive. It was noted that the Audit and Risk Committee has requested the Executive to undertake a review of the processes around how these funds are allocated and managed.

**Decision<sup>3</sup>:** Members agreed to recommend that the DES approve the proposed allocation of the €5m to support and recognise performance in the HEIs.

## 6. Report of the Finance and Governance Committee

6.1 The Chair introduced the Committee's report. He noted that the Committee has been receiving verbal reports on implementation of the Review of the Recurrent Funding Allocation Model. It was agreed at the last meeting that the Executive will in future provide written reports. Decisions arising from the review group require Board approval.

### 6.2 *Voluntary Redundancy Scheme*

The committee also recommended that the Chair should write to the DES requesting approval for a voluntary redundancy scheme for the HEI's. It was noted that there may also be other options to manage surplus staff such as redeployment. It was noted that this approach was taken to address surplus staff arising from the DCU incorporation project.

**Decision:** It was agreed that the Chair should write to the DES requesting approval for a voluntary redundancy scheme for the HE sector.

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<sup>3</sup> Professor Feely, Dr Feeney, Dr Lillis, Dr Lyons, Dr Ramsey and Dr Wall absented themselves from the decision on Performance Funding

### *6.3 Terms of Reference for review of the implementation of GMIT review*

**Decision:** Members approved the terms of reference, as detailed in Memorandum F29/19, with minor amendments as recommended by the Committee.

### *6.4 Proposed Investment in Central Treasury Notes*

Members were advised that this proposal was to minimise the amount of negative interest charges currently being incurred on cash balances held in its AIB bank accounts.

**Decision:** Members approved the HEA investing in Central Treasury Notes with the National Treasury Management Agency (NTMA). The CEO and Head of Corporate Affairs to sign a mandate, on behalf of the Higher Education Authority, with the National Treasury Management Agency including the provision of a list of staff (to be submitted for approval at a later date) that can act as authorised signatories to place funds or withdraw funds from the National Treasury Management Agency on behalf of the Higher Education Authority.

### *6.5 Evaluation of the outcome of Tenders for ISSE 2020-22*

**Decision:** Members approved the award a three-year contract for the Irish Survey of Student Engagement to International Graduate Insight Group Ltd.

### *6.6 IUA proposal - Management and Leadership Capacity*

**Decision:** Members approved the IUA proposal to support the development of capacity in data analysis and reporting in the university sector, as detailed in Memorandum F32/19.

### *6.7 Deloitte review of the Student Records System (SRS) and Graduate Outcomes Survey (GOS) data collection processes in HEIs*

**Decision:** Members approved the publication of the Deloitte report.

**Decision:** Members approved the Committee's report

## **7. Report of Audit and Risk Committee**

7.1 Dr Lillis introduced the Committee's report. The Committee received an update on the internal audit advisory review on third party dependencies. The Committee was advised that the HEA needs to receive more detailed and regular

financial data from the HEIs. The Committee received an update on corporate risk management in the HEA and were advised of a number of changes to banking arrangements.

### *7.2 Data Protection*

The Committee received a briefing from Mazars who are assisting the Executive put in place measures to ensure the HEA is compliant with data protection requirements.

**Decision:** Members approved the HEA data protection policy.

### *7.3 HEA procedures for the allocation of non-core recurrent grants to the HEIs*

**Decision:** It was agreed that the Committee will consider a report from the Executive on the processes and procedures used by the Executive to allocate non-core recurrent and other funding made to the HEI's.

**Decision:** Members approved the Committee's report

## **8. Report of System Development and Performance Management (SDPM) Committee meeting**

8.1 Mr Donohoe introduced the Committee's report. The HEA continue to reflect and learn from their work on the TU process. Discussion was held regarding roles and responsibilities and this will be reviewed at the next SDPM in November.

8.2 Landscape funding allocation as approved by the Minister was noted.

**Decision:** Members approved the Committee's report.

## **9. Teacher Education Unit Presentation**

9.1 Dr Callinan made a presentation on the work being undertaken by the Teacher Education Unit. The unit was established to oversee teacher supply actions in the Teacher Supply Action Plan (2018). Her presentation focused on the following;

- Key stakeholders and teacher supply structures
- Links between teacher education and other activities in the HEA
- Teacher supply action plan and HEA's involvement
- Landscape reform
- Recent developments and forthcoming events



## 9.2 Issues raised by members;

- Future demand for teachers having regard to future primary and secondary numbers. Dr Callinan noted that the focus has been on upskilling rather than expand places having regard to uncertainty over future demand given the fact that birth rates peaked in 2009. She also noted the fact that there was added complexity over student subject choice and regional variations in demand.
- There should be no overlap between the proposed longitudinal study of ITE graduates and work the HEA's own study carried out with the CSO.
- The maths upskilling course. Members were advised that there continues to be a demand for this course, it was however introduced following a public tender so its continuation will be subject to a public procurement process.
- The need to provide for more student engagement in the review of teacher education.

**Decision:** Members noted the update.

## 10. Report of Research and Graduate Education

10.1 Professor Feely introduced the Committee's report. The meeting was attended by representatives from the DES to consider the implications of the proposed new legislation for higher education research. Progress was made on a framework for good research practice. It is hoped to finalise this at the Committee's next meeting with a view to presenting the framework to the Board in December for approval.

**Decision:** Members approved the Committee's report.

## 11. Report of Policy and Planning Committee

11.1 Ms Kneafsey noted that the Board had received a verbal presentation of the Committee's September meeting at the last Board meeting. Dr Lillis introduced the Committee's October meeting.

### *11.2 Graduate Earnings Report*

**Decision:** Members approved the publication of this report.

### *11.3 Communications Strategy*

**Decision:** Members agreed to defer consideration of the strategy pending a further review to be undertaken by the CEO.

#### *11.4 Review of the National Forum for Teaching and Learning*

Members noted that the Forum operates under the aegis of the HEA so it was not necessary for members of the National Forum's Board<sup>4</sup> to absent themselves from this item. Mr Conlon outlined the findings of the review and noted significant progress has been made in the implementation of the recommendations outlined in the 2017 review. Members noted that decisions remain to be made as regards the Forum's future funding, structure and location.

**Decision:** Members agreed that it was not necessary for a further review in 2020 and noted that it will receive a presentation from the Forum in 2020.

**Decision:** Members approved the Committee's reports.

### **12. Members only session**

#### *12.1 Location of next Board meeting*

Members requested for logistical reasons that the next meeting be held in the HEA offices with the visit to UCC to be rescheduled to later in 2020.

#### *12.2 Scheduling of Board and Committee meeting*

Members requested that the date of scheduled meetings should only be changed in exceptional circumstances.

It was agreed that the schedule of meetings for 2020 be made available to the December Board meeting for final approval

### **Next Meeting**

17<sup>th</sup> December 2019, HEA Offices

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Deputy Chairperson

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Date

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<sup>4</sup> Dr Lynn Ramsey, Dr Sharon Feeney and Mr Tim Conlon