

As amended at meeting 27/1/15  
**Higher Education Authority**

**Report of the 369<sup>th</sup> Meeting held on 25<sup>th</sup> November,  
in Brooklawn House, Dublin 4.**

Present <sup>1</sup> Mr. Brendan Byrne  
Dr. Mary Canning  
Professor Maeve Conrick  
Mr. Paddy Cosgrave (items 1-4)  
Mr. Eamonn Grennan  
Ms Siobhan Harkin  
Professor Eileen Harkin-Jones  
Ms Laura Harmon  
Mr. John Hennessy, Chairman  
Dr. Stephen Kinsella  
Dr. Maria Meehan  
Dr. Jim Mountjoy  
Professor Anthony Staines  
Dr. Brian Thornes (item 1)  
Professor Marijk van der Wende (items 1-9)  
Mr. Declan Walsh (item 1)

Apology: Mr. Bahram Bekhradnia  
Mr. John Dolan  
Mr. Gordon Ryan

In attendance: Mr. Tom Boland (items 2-14)  
Mr. Padraic Mellett (items 2-14)  
Mr. Fergal Costello (items 2-14)  
Ms Valerie Harvey (items 8, 15)  
Ms Sarah Fitzgerald (item 8)  
Mr. Muiris O'Connor (items 9, 11, 15, 16)  
Ms Sheena Duffy (item 12)  
Mr. Damien Kilgannon (item 13)  
Ms Nicki O'Connor (item 16)

## **1. Members only session**

1.1 The following issues were discussed;

- Role of the Board, the DES and legal opinion in relation to same.
- Robustness of the TU process
- Need for more discussion on the financial position of a number of HEIs.

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<sup>1</sup> Members present for all items unless otherwise indicated. The meeting concluded at 4.30pm

## **2. Reports of meetings held 30<sup>th</sup> September 2014, 10<sup>th</sup> October and follow-up actions**

**Decision:** The minutes were approved subject to an amendment to paragraph 2 on page 2293. The follow-up actions were noted.

## **3. Matters Arising & Follow-up actions**

3.1 Item 10 (September meeting) - The CEO advised members that the HEA governance/regulatory role document considered at the September meeting has been issued to the DES with amendments as proposed by the Board. The revised document will issue to members, the DES and the HEIs. Related to this, the Comptroller and Auditor General has written to the HEA advising that it plans to undertake a review of the HEA's oversight and governance of the HEIs.

3.2 Item 4.2 (September meeting) – The CEO advised members that Professor Tom Collins former President of Dundalk IT and former interim President Maynooth University has agreed to chair the working group on student engagement. It is hoped that the group can have its first meeting before Christmas.

## **4. Report of the Chief Executive**

4.1 The CEO advised members of the death of Mr. Pat O'Connor. Pat joined the HEA in 2002 as an advisor on ICT investment in higher education. Ar Dheis Dé go raibh a Anam dilis.

4.2 Members were briefed on the 2015 budget. The positive elements were the return of the €25m cash withheld following the 2013 and 2014 budgets and the provision of a small capital fund. The increase in the 2014/15 student contribution has been clawed back from the grant. A number of institutions are currently experiencing serious funding difficulties.

Members were advised that the funding group was meeting the following week and it was hoped that the group would approve its programme of work. This will enable the HEA plan its input into the work of the group. The HEA plans to get expertise to assist with its input. In discussion the following points were made –

- The HEA must challenge the view that there is no need for further investment in higher education, some of which is based on the misplaced assumption that the required skills can be sourced more cheaply through further education.
- A key argument is the impact this view would, if implemented, have on equality of access to higher education.
- The HEA should ensure that the message that investment in higher education is of benefit to society and the economy gets a wide airing.
- A concern was expressed that the current focus on particular skills reflected a utilitarian attitude to higher education which undervalued the contributions of the arts, humanities, social sciences and pure sciences.

It was agreed to circulate the work plan to members once it is finalized.

4.3 The CEO briefed members on the proposed Education (Pay) Bill. The Minister plans to proceed with this legislation but will consult with the sector first. The DES is also exploring a suite of HR reforms including a voluntary redundancy scheme, enabling HEIs pay allowances for certain duties and approval of a framework to enable university linked corporations pay university employees.

4.4 The issue of gender equity was raised. Members were advised that the executive will shortly consider undertaking a review of equality procedures as provided for in the Universities and IoT legislation. Any proposal to undertake such a review would be submitted in advance to the board. Members were advised that the question of gender data would be addressed under proposals to develop a staff database. The staff database would be a key part of the new data strategy which will be presented at the January meeting. It was noted that the IoTs undertake peer reviews on gender data which may be of help to the HEA.

4.5 Members were updated on developments relating to WIT, IT Carlow and proposals for a TU in the south-east. While a possible alternative configuration for WIT was outlined in the HEA landscape report, it would be premature to reach any conclusion at this stage.

4.6 Mr. Costello briefed members on implementation of the WIT Inspector's report recommendations. The HEA submitted its interim report to the DES. The understanding was that the Institute would now be allowed time to carry on implementation of the recommendations.

4.7 In relation to the new ICT call members were advised that there was insufficient time allowed for the last call. In addition more work is required to promote ICT courses with potential applicants. It was noted that the ICT call is to be funded through a top-slice from the recurrent grant.

4.8 Members were advised that discussions with the Departments of Finance and Public Expenditure & Reform in relation to EU funded infrastructural projects were still at an early stage with no firm commitments yet being given.

## **5. Mid-term Review of the HEA Strategic Plan 2012-16**

5.1 The CEO introduced this item and noted that good progress has been made to date. Key challenges as we move ahead included a sustainability strategy (there were both immediate and long term challenges) and system development. A key requirement in this regard was agreement on a suite of HR reforms. He outlined a number of activities currently underway that would further advance our strategic plan. These included the development of a new national plan for equity of access to higher education, a new enterprise engagement strategy and a paper outlining trends in international higher education.

5.2 The point was made that it would be helpful if the mid-term review was mapped against the approved strategy to enable members identify where progress was being made and what new strategic priorities have emerged. In relation to a new strategy on enterprise engagement due regard should be taken to the fact that

different HEIs have different missions which would impact on how they engage with enterprise. While the paper addressed the regional role of HEIs, the global interactions of some HEIs was not fully addressed. Under the heading governance/regulation of HEIs consideration should be given to monitoring the balance sheets of HEIs as part of the HEA's risk management activities. Consideration should be given to separating the immediate financial risks facing certain HEIs from the longer term sustainability challenges. The impact of failure to have a long term sustainability strategy might have on equality of access was also noted.

**Decision:** Members approved the mid-term review.

## **6. HEA Work Plan 2015**

6.1 The CEO presented this item noting that the activities for next year flow from the mid-term review of the strategic plan. The plan as presented outlined activities at a high level. Further details will emerge from the new Service Level Agreement to be agreed with the DES. He referred in particular to work in two areas. In relation to system development it is proposed to seek to get real traction from the regional clusters. It is also intended to work on the short-term financial stability of HEIs in 2015.

6.2 Members made the following points;

- TU developments would impact on financial stability for certain HEIs.
- The role of the HEA in relation to research. The chair noted the importance of communicating what the HEA is currently undertaking in this domain. The CEO indicated that the HEA's work in research would be communicated more prominently in the CEO's report.
- What is the status of multi-annual funding and should it be an objective of the HEA? Mr. Costello indicated that there are indicative figures for 2015 and 2016, however the extent to which the latter could be relied on fully was questionable. Ultimately it was a matter for the Departments of Finance and Public Expenditure & Reform to agree to multi-annual funding. There would be an opportunity to raise this with the expert group on funding.
- The extent to which the HEA decline to undertake work that is outside its current plan, when called on to do so by the DES. The CEO indicated that the HEA would like to be as supportive as possible where such requests were made but ultimately would exercise its judgement whether it had the capacity to assist with new activities. In practice this did not arise too often.

**Decision:** Members approved the 2015 work-plan.

## **7. Report of the Committee on System Governance and Performance Management**

7.1 The chair advised members that the full set of papers before the Committee were being circulated to ensure the full board was advised of developments. Mr. Costello presented the report of the Committee. The chair of the Committee, Dr. Mountjoy, raised the strategic dialogue meetings with the regional clusters and

indicated that there should just be two clusters in the Dublin/Leinster region. Mr. Costello indicated this could be arranged.

**Decision:** Members approved the report of the Committee.

## **8. Report of the Policy and Planning Committee**

8.1 Mr. O'Connor presented the Committee's report. He confirmed that momentum was being maintained with the Athena SWAN charter notwithstanding the deferral of the launch to February 2015. The chair of the Committee, Ms Harkin, advised members that the Committee would be reviewing the transitions agenda at its next meeting.

**Decision:** Members approved the report of the Committee.

## **9. Report of the Audit Committee**

9.1 Professor Staines presented the report of the Committee meeting. He advised members that the Committee had met officials of the Comptroller and Auditor General following the 2013 audit. The C&AG was very pleased with the co-operation of HEA staff and complimented the work of Mr. Roche, Mr. Johnston and staff in HR & Accounts. The Committee reviewed the joint HEA/SEC procurement process for the selection of internal auditors and a firm to provide accountancy services and recommends that the Executive's proposals be approved. Mr. Mellett confirmed that the HEA has not received a management letter from the C&AG in recent years.

**Decision:** Members approved the report of the Committee.

## **10. Memorandum of Understanding between the HEA and QQI**

10.1 Mr. O'Connor circulated a revised paragraph to the MOU which further clarified the role of the HEA. He was confident that the revised wording would be acceptable to QQI. He outlined the background to the MOU and the process in developing the agreement. The DES in its SLAs with the HEA and the QQI required both bodies to conclude an MOU. The HEIs were consulted on the proposal to have an MOU and welcomed the fact that both bodies were committed to co-ordinating their activities and minimising any administrative burden. The CEO noted that the QQI was a relatively new body and as such was getting to grips with its new mandate. It was important that there was clarity as regards the respective mandate of both organisations.

10.2 Members raised the following issues;

- Might QQI reviews have implications for HEI funding under the compacts. Members were advised that they could potentially? QQI was quite comfortable with the HEA basing decisions on published reviews and they plan to publish more reviews. QQI would welcome the HEA support it in its work.
- HEIs need to recognise that quality is intrinsically linked to strategy.

- The use of the word 'promotion' in relation to the HEA's role was queried. The Executive agreed to consider an alternative word.

**Decision:** Members approved the Memorandum of Understanding.

## 11 2015 Recurrent Grant

11.1 Mr. Costello presented this item. He advised members that the HEA has yet to be notified of its grant for 2015. The background to the 2015 allocation included for the first time a number of institutions facing serious financial difficulty. The Executive is working closely with the institutions concerned. In addition the Finance Committee is looking at the principles which might underpin a policy to support vulnerable institutions. Key to this was the need to recognise the autonomy of institutions and the need to ensure the RGAM operated in a fair and transparent manner. A key concern is the risk of moral hazard. The HEA has held discussions with the DES in relation to the vulnerable institutions and the Department has agreed to explore the possibility of securing approval for a voluntary redundancy scheme. Pending a decision on such a scheme and the availability of information as to the impact it would have on the institutions' finances it is proposed to allocate the recurrent grant based on the existing model. The Executive was satisfied that the funding needs of the two most vulnerable institutes could be addressed in 2015. There was a separate issue in relation to the Killybegs Campus of LyIT. A working group has developed a number of possible options. These were now being considered by the institute with stakeholders. Board approval was requested to allow the Finance Committee give provisional approval at its meeting on 11<sup>th</sup> December with the Board formally approving the allocation in January.

11.2 The following issues were raised;

- Was the Executive reviewing the RGAM to ascertain whether there were any areas where special provision was required, such as geographical location? Mr. Costello indicated that this was under review.
- Would a reduction in the amount of money being top-sliced be of help? Mr. Costello indicated that any reduction is unlikely to make a significant impact on the various institutions. The chair referred to the current review on top-slices and noted that any allocation to HEIs can only be provisional pending finalisation of this review. Mr. Costello agreed noting that the amount institutions would be advised of should be the minimum they would receive in 2015.
- Mr. Costello indicated that the Executive could speed up or slow down the cashflow going to particular institutions. The HEA will be providing funding associated with the 2015/16 free fees initiative in Q4.
- The funding difficulties of a number of other institutes was raised. The chair indicated that this could be considered at the January meeting.
- Concern was expressed over whether the RGAM was student centred. Many institutions were carrying fixed costs which cannot be reduced even if student demand falls. Mr. Costello noted that this arose due to the lack of HR/IR flexibilities afforded to HEIs.

**Decision:** Members approved the delegation to the Finance Committee to provisionally allocate the 2015 recurrent with institutions being advised as soon as possible thereafter of their provisional grant.

## **12. Approval of Property Acquisition by Institute of Technology, Sligo**

12.1 Mr. Grennan absented himself from this item. Mr. Kilgannon introduced this proposal from IT Sligo. He advised members that the valuation outlined in the memorandum was the maximum price payable and has yet to be finalised. The land was adjacent to the Institute and was not likely to be of interest to any other party. He advised members that the sale would be subject to Sligo County Council confirming it enjoyed vacant possession.

**Decision:** Members approved the purchase on the basis that the agreed protocol was adhered to.

## **13. Protocol for engaging expertise in the Executive from higher education institutions**

13.1 The CEO introduced this item. It was agreed that the protocol should be a stand-alone document with reference to the current arrangement involving Professor Hazelkorn being removed. It was agreed to include in the protocol provision for the Executive to carry out a review of the effectiveness of the arrangement so as to ensure the HEA was achieving value for money.

13.2 In relation to the current arrangement with Professor Hazelkorn the CEO advised members that the Executive and Professor Hazelkorn have been extremely careful to avoid any potential conflict of interest. He stated that he was satisfied that the HEA has achieved value for money in respect of the arrangements to date. He confirmed that the renewal of the arrangement with DIT from January 2015 was in accordance with HEA procurement policy.

**Decision:** Members approved the protocol for the engagement of expertise from HEIs subject to the comments in paragraph 13.1. Members noted the intention of the CEO to renew the engagement of Professor Hazelkorn.

## **14. Presentation on the Irish Survey of Student Engagement 2014**

14.1 Ms Harvey introduced this item. She noted that 2014 was the first full year for the survey following on from the 2013 pilot project. There was some improvement in the response rate but more needs to be done. There was good correlation between the results and last year's pilot survey and results overseas. While the published results were at aggregate level, each institution receives a detailed report in respect of its own results. Moving forward a key objective was to see how the survey can be used to identify and share areas of best practice.

14.2 The following issues were raised;

- Is there evidence that the survey is being used by second level students in their decision on course selection? Mr O'Connor indicated that this level of

detail (i.e. by course) is not being published by the HEA. The objective of the HEA is to provide information to HEIs which will assist them improve teaching and learning. The HEA, and HEIs, would be reluctant to see the survey being used in a way that might lead to institutions being ranked.

- The deputy chair noted that her experience was that these surveys can drive academics to improving the teaching and learning experience of students. Likewise HEIs come under pressure to increase resources to areas of concern to students. Mr. O'Connor agreed, noting the importance of students being able to see that their feedback has been taken on board.
- Will the survey feed into the compacts? Mr. Costello indicated that this may happen over time, it was important that HEIs were satisfied with reliability of the data. Mr. O'Connor noted that HEIs themselves were beginning to share data. The point was made that institutions are now beginning to use data as an input to programme reviews.
- The importance of the improving the response rate. In 2014 19,844 students responded, this represents a response rate of 15.6%. The USI had a key part to play, students will need to see that their feedback is being acted upon.
- There was a risk that some of the data can be misinterpreted, one example being the question on employability of graduates. Mr. O'Connor agreed that some of the indicators were open to misinterpretation, more work is needed on the narrative.

**Decision:** Item noted

## **15. National Strategy for Science, Technology and Innovation**

15.1 The CEO reported that the Department of Jobs, Enterprise and Innovation has written to the HEA seeking a nominee for the inter-departmental committee overseeing the new strategy. He has proposed that Mr. Muiris O'Connor be the HEA's nominee on the IDC. He will work closely with Dr. Eucharía Meehan, Director of the Irish Research Council and the standing Committee on Research and Graduate Education.

**Decision:** Item noted

## **16. Plan for Munster Technological University**

**Decision.**

- The Board acknowledged the role of the HEA as set out by the Minister for Education and Skills in her letter of 14 November, given the legal position as clarified at the meeting.
- The HEA will write to the MTU. In doing so, the role of the Board in the process will be clarified, in particular the fact that the report of the expert panel is the decision in stage 3, with the HEA exercising no role other than to manage the process. The letter will set out the issues of concern to the HEA, flagging considerations for Stage 4 – all of which are covered by existing criteria.
- The HEA will write to the Minister, copying her with the letter to the MTU. These letters will be subject to consultation with, and the views of, the Board.



- A group of members will meet on 4 December to give their views on the content. Other members may give views by e-mail.

This decision followed lengthy and detailed discussion revolving primarily around the role of the HEA and the process itself with serious reservations expressed by most members. It was agreed that a full review of the process will be carried out. It was agreed that a review of the process would be carried out.

The following members requested that their disagreement with this decision be formally noted – Dr. Mary Canning and Prof. Marijk van der Wende.

### **16.1 Context of the meeting**

The CEO outlined the position regarding the letter of the Minister for Education and Skills of 14 November. On 11 November the Chairman and the CEO met with the Secretary General of the DES and colleagues at the request of DES. The CEO informed the DES of the process relating to TU plans as it was then proceeding in the HEA. The Secretary General informed the meeting that the process was a Ministerial process, which the HEA was managing on her behalf. In the circumstances it was for the Minister to determine how the process should be conducted. It was the understanding of the DES, and the basis for the Minister's approval of the process recommended by the HEA in 2013, that the expert panel's judgement on TU plans would be the decision in respect of those plans. The role of the HEA, Executive and Board, was to establish the process and manage it. These matters were restated in the Minister's letter to the Chairman on 14 November.

### **16.2 Issues raised**

The following are the main issues raised in the discussion –

- The Minister's intervention raised important issues of principle regarding the relationship between the HEA and the Minister which needed to be clarified. While the issue was generic in nature, in particular, at issue was the independence of the Board in a process such as this and in its role as objective adviser to the Minister.
- The consistency of the position adopted by the Minister with the legal advice already given to the Board as to its role.
- Matters relating to fulfilling Stage 2 of the process.
- There were a number of issues in respect of the panel's report relating to consistency between the conclusion and the reservations expressed. These included -
  - the reservations about the extent/sufficiency of evidence available in the plans to allow the panel to draw conclusions on whether institutions in the consortium had met the criteria for a TU and the resulting need on the part of the panel to over-rely on "impressions" rather than on evidence.
  - The unease of the panel about the lack of vision in the plan, its aspirational nature and governance weakness.
  - The incompleteness (in terms of Stage 3) of the business plan for academic integration as a merged entity;

- On the other hand, the HEA was obliged to place reliance on the expert panel's advice given the respective roles of panel and HEA in the process. The role of the HEA did not extend to assessing either the TU plans or the panel's report.
- The process had been carried out as established and the Board had effectively accepted that position in its decision in respect of the Dublin TU proposal at the September meeting.
- It was noted that there was no expectation that the individual institutions or the collective consortium would meet the criteria at this stage (3). What was at issue in Stage 3 was a judgement as to whether or not their plan to meet criteria within a stated period was credible. Significantly greater rigour and depth will be required in any Stage 4 application;
- It was important to clarify the HEA role in managing the process associated with stage 3 in any communications and correspondence with the consortium to avoid any misinterpretations.

### **16.3 Clarifications**

The following clarifications were provided in the discussion.

The Minister's position had been discussed with the HEA's legal advisers. The process now being carried out was administrative in nature, as it had no statutory backing at present, so it was open to the Minister to determine how the process should be carried out. In this context the Board were referred to a letter from the then Minister to the Chairman on 10 February 2013 in which he stated that, with the agreement of the Government, he had approved the "Process and criteria for designation as a Technological University" as recommended by the HEA. While currently administrative in nature, it was the intention of the Minister to legislate for the process, as now interpreted by the Minister. It is expected that the necessary legislation will be enacted next year.

Legal advice was available to the HEA to the effect that the requirements of Stage 2 had been fulfilled.

### **16.4 The process**

As regards the process, precisely the same procedures had been applied to both consortia. This involved a review of the plans by the executive with clarifications sought from the consortia where needed; the circulation of the plans to the panel some weeks before they were due to meet in Dublin; a teleconference with the panel at an early point to identify any issues that needed clarification from the consortia; a four day meeting in Dublin which involved briefings from the executive on the national strategic context, from the DES and from QQI; a three hour meeting with each of the consortia led by the presidents and chairs; a subsequent detailed discussion of each plan.

**NOTE:** *There are additional matters to be addressed at the next available opportunity ( January 2015) relating to; the role of the Board and the DES, how the TU process can be made more robust, in the context of the emerging legislation and what is learnt from the experience to-date.*

**Next Meetings:** There will be a meeting of members on 4<sup>th</sup> December to review the content of letters to be sent in respect of the TU process. A full-day meeting will be held on strategy on 26<sup>th</sup> January with the next regular meeting scheduled for 27<sup>th</sup> January. In relation to the strategy meeting, members requested that any presentations be confined to a maximum of 15 minutes.

Padraic Mellett  
Secretary to the Board  
8 January 2015