

Higher Education Authority

Report of the 377th Meeting held on 23rd March 2016 in Brooklawn House, Dublin 4.

Present: ¹ Mr. Bahram Bekhradnia
Dr. Mary Canning (items 1-6, 9-10, 12)
Ms Siobhán Harkin
Dr. Stephen Kinsella, Acting Chair
Dr. Jim Mountjoy
Mr. Gordon Ryan
Professor Anthony Staines
Mr. Declan Walsh

Apology: Mr. Kevin Donoghue
Dr. Brian Thornes

In attendance: Mr. Tom Boland (items 2-13)
Mr. Fergal Costello (items 2-13)
Mr. Andrew Brownlee (items 2-13)
Mr. Padraic Mellett (items 2-13)
Ms Orla Christle (item 5)
Dr. Eucharía Meehan (item 7)
Dr. Gemma Irvine (items 7, 10)
Mr. Peter Brown (items 7)
Ms Nicki O'Connor (items 7)
Mr. Stewart Roche (item 8)
Dr. Abigail Chantler (item 10)
Ms Sheena Duffy (items 11)
Dr. Maeve O'Riordan (item 11)

1. Members only session

The following issues were considered;

1. Appointment process for new CEO
2. SLA with Department of Education
3. Role of the Board during the period of the Acting Chair.

2. Reports of meeting held 19th January and 16th February

Decision: The minutes were approved.

¹ Members present for all items unless otherwise indicated.

3. Matters Arising & Follow-up actions

3.1 Item 3.3, DkIT – The CEO advised members that a letter had issued to the Governing Body of the Institute. The Institute has been in touch to say it was discussed by the Board and that a reply will issue shortly. This correspondence will be circulated to members.

3.2 Item 9, Board self-evaluation report – Members were advised that this report has not been published or circulated to the DES. Mr. Mellett indicated that while there was an expectation on the part of the DES that such self-evaluation exercises would be carried out having regard to the provisions of the Code of Governance, the Department has never requested a copy of the self-evaluation reports.

3.3 CPSA Code of Practice for Recruitment – Mr. Brownlee reported that IoTI has requested approval to adopt the code. This requires the recommendation of the Department of Education & Skills and a certificate from the Department of Public Expenditure & Reform. The former indicated that it was not minded to recommend the adoption of a code by IoTI bodies at this stage having regard to forthcoming TU legislation and the need to have regard to the recruitment practices in the ETB and university sectors. The HEA will pursue this matter with the DES.

3.3 ISSE Questionnaire and student contact hours – Members were advised that it was not possible to make changes to the ISSE questionnaire at the current time. The HEA will take this matter up with the ISSE working group when further changes to the questionnaire are up for consideration.

4. Report of the Chief Executive

4.1 HEA communications - The CEO briefed members on the management of communications. Given his political prominence it has been decided that Mr. Byrne will no longer be Head of Communications. It would be a matter for the new CEO to decide on the long term communication arrangements for the HEA. Alice PR will continue in the meantime to manage communications for the HEA.

4.2 Protected Disclosures - The CEO briefed members of developments with regard to protected disclosure allegations in UL. He also advised that the HEA was dealing with protected disclosures made by staff in ITTD and NUIG. In the case of the former the HEA has come to a conclusion that no further action is necessary. It was noted that the legislation confers no additional powers on the HEA.

4.3 Members raised the following issues;

- Senior management time been spent on work associated with protected disclosures. Mr. Brownlee indicated he has spent on average 1 day per week over the last three months.
- This legislation is relatively new so perhaps the number of protected disclosures will fall over time. In the meantime it may lead to institutions improving their processes.

4.4 Expert Group on Funding - The CEO advised members that the report has been submitted to the Minister. He anticipated it may be published in the not too distant future, however it may be some time before decisions are taken given the current political climate. He was satisfied that the report clearly highlighted the fact that higher education cannot continue to operate with the current level of funding. It was disappointing that a broad consensus on the need for additional investment does not appear to have gained traction.

4.5 Work-plan status report – Members welcomed the status report. The CEO indicated that the number of actions coded amber reflected a degree of conservatism on the Executive’s part.

5. Report of the Finance and Governance Committee

5.1 Mr. Brownlee introduced the Committee’s report. The Committee reviewed a paper on the HEI governance statements which were based on the new format. The Committee was encouraged by the relatively high level of compliance, although a majority of HEIs were not in a position to report full compliance in procurement. The HEA was quite explicit in a letter issued on 1st December to the HEIs on the need to ensure compliance in procurement. As part of its new governance oversight arrangements, the HEA will arrange for a review of procurement practices in 7-8 HEIs. It was noted that NCAD has a new Chair and acting Director who are taking particular measures to rectify matters. The objective of the exercise would be to identify both good and poor practices. The Committee also discussed the timeliness of the statements with institutions being required to submit their 2014/15 statements within 6 months of the end of the previous financial years. Mr. Costello noted that the Executive was looking at how compliance with governance requirements can be incorporated into the overall system performance report.

5.2 The following issues were raised;

- Failure to comply with procurement requirements raised questions as regard the role of Audit Committee and internal audit in the HEIs.

- The extent to which the HEA relies on the work of the HEIs, especially the larger HEIs where responsibility may be delegated to departments and centres. Mr. Brownlee noted that there was an element of trust but noted there will be testing undertaken by the HEA.
- Members noted that the governing body of a HEI has a responsibility and the HEA cannot micromanage each institution. Mr. Brownlee indicated that the Executive was looking at developing a guide for HEI board members.
- HEI subsidiaries – it was confirmed that the compliance requirements extended to those companies controlled by HEIs.

5.3 Ms Christle updated on the review of the Student Assistance Fund (SAF). An implementation plan has been drafted as requested by the Committee. The importance of the HEA having robust data on the number of students in receipt of support under the fund was noted. The report will be submitted to the DES after which it will be published.

Decision: Members approved the minutes of the Committee meeting held 1st March and the implementation plan for the SAF.

6. Report of the System Development and Performance Management Committee

6.1 Mr. Costello presented the Committee's report. He advised members that consultations with the DES on the second System Performance Report were ongoing. The CEO noted that the first System Performance Report was published in May 2014 so it would be most desirable if the second report could be published in May 2016. Members were briefed on the next cycle of the strategic dialogue process. The intention was to write to all institutions for their self-evaluation. The Executive will focus its consultations just with those institutions deemed at risk. The HEA has begun consultations with the DES on a review of the System Performance Framework - the review is not likely to be completed until year end. One particular aspect of the framework which will need to be reviewed will be the performance metrics.

6.2 Reference was made to the minutes of the meeting, it was agreed that some of the specific comments made by members by way of example need not be included.

Decision: Members approved the minutes of the Committee meeting noting that a revised set of minutes will be circulated.

7. Report of Research and Graduate Education Committee

7.1 Ms O'Connor introduced the Committee's report noting that the focus was on an implementation plan for the HEA and IRC on actions assigned to both bodies under Innovation 2020. In response to a query raised at the Committee meeting she noted that the key issues of concern to the HEA were (1) the ongoing debate in relation to RTOs (2) HEI performance under Horizon 2020 and (3) a new PRTL call. She noted that the HEA has made a submission to the DES on the latter. There is no central fund for Innovation 2020 so it will be up to each Department to secure the necessary funding for its commitments. Mr. Brown outlined the IRC's actions under the strategy noting that the Council was well placed to deliver on the 16 areas in which it has a role to play. Ms O'Connor indicated that the working assumption was that the first named body under each action would be the lead party for that action.

7.2 Members were advised of recent developments. The Department of Jobs, Enterprise and Innovation will be working on a new research prioritisation exercise for consideration at the Innovation 2020 implementation working group meeting in May. That Department is also undertaking two studies (1) A review of supports for enterprise especially SMEs, the Department will include IRC initiatives as part of this review (2) A review of the impact of publicly funded RDI, it is proposed to include the HEA's block grant in this review.

Decision: Members approved the minutes of the Committee meetings held 1st March 2016.

8. HEA Draft 2015 Accounts

8.1 Mr. Roche presented the draft accounts and memorandum A 12/16. He advised members that the HEA needed to be careful what income it classified as deferred income. The overall net assets position was satisfactory. Members were advised that the Comptroller and Auditor General's audit will commence on 5th April.

Decision: Members approved the 2015 draft accounts for audit subject to a number of minor typographical matters. It was agreed that the accounts may be signed by the Chair and CEO on completion of the audit.

9. Membership of HEA Standing Committees

9.1 The CEO noted that there were two Committees which currently were short of members. The Pension Appeals Committee has a particular statutory remit. The Audit Committee currently has just one member and there is a requirement for each agency to have a properly constituted committee. Mr. Mellett indicated that

meetings of the Pensions Appeal Committee will be held either on the dates fixed for board meetings or other committee meetings. In addition participation will be facilitated through teleconferencing.

9.2 Members were advised that the terms of reference for the review of the RGAM will be submitted to that committee for comment and approval.

Decision: It was agreed that Mr. Bekhradnia and Mr. Ryan will join the Pension Appeals Committee.

It was agreed that Ms Harkin, Dr. Mountjoy and Mr. Walsh will join the Audit Committee.

Membership of the standing committees will be reviewed when new members are appointed.

10. Presentation from the National Forum for the Enhancement of Teaching and Learning

10.1 The Chair welcome Professor Sarah Moore and Dr. Terry Maguire from the Forum. Professor Moore's presentation focused on the Forum's activities across work plan themes.

- Professional Development – a national framework has now been developed.
- National Learning Impact Awards – 53 teaching hero awards made in 2014, another round will be made in 2016. 16 National Teacher Expert awards were made in 2015, the next round of awards will be in 2017.
- Building digital capacity – a digital roadmap has now been put in place and the Forum is now funding a number of collaborative initiatives.
- Scholarship and Research – The Forum's first theme focused on transition to higher education. The Forum supported a number of small projects, the emphasis goes beyond just publication of papers, it is important that the research results in actions which can be actioned. The Forum is supporting 5 IRC scholars and is engaged with USI and the further education sector on a transitions project.
- Partnership and collaboration – Amongst the initiatives the Forum is involved in are the Irish Survey for Student Engagement (ISSE), a number of international collaborations with Israel, Australia, Spain and USA.

Professor Moore concluded her presentation by noting the importance of ensuring the Forum adds value in all its activities. The Forum was very pleased with the level of positive engagement it is getting from the HEIs. In relation to the forthcoming evaluation of the Forum she requested that it be carefully planned and that there be

a shared understanding as to how impact can be measured both in the short term and longer term.

10.2 Members raised the following issues;

- How the Forum can maximise the dissemination of its significant body of knowledge in teaching/learning. Professor Moore highlighted the importance of the Forum's website. She also highlighted the importance of ensuring linkages between the work of the Forum and institutional strategies and compacts.
- The extent to which excellence in teaching and learning is a criteria for promotion. Dr. Maguire noted that there remains a lot of work to be done here but cited the example of Brown University which has succeeded in transforming the culture around teaching and learning. Professor Moore noted the difficulty in measuring performance in teaching and learning as distinct from research performance. Performance in teaching and learning is increasingly becoming a criteria for promotion in Irish HEIs. Ideally there should be more integration between research and teaching and learning.
- The impact of excellent teaching and learning on the student, aside from better progression rates. Professor Moore suggested that the impact should be measurable and include the quality and creativity of graduates and ability to apply research into practice.
- A key challenge will be to assess the specific impact of the forum having regard to the fact that many HEIs themselves have introduced initiatives, such as measures to improve progression rates, which have had a positive impact on teaching and learning. Dr. Maguire pointed out that the Forum has had a positive impact on collaboration between HEIs.
- What areas did the Forum find less impactful? Professor Moore noted that there were lessons to be learned around the timing of consultation processes and the sharing of research findings arising from funded research.

10.3 Members were advised that the DES plans to undertake a review of quality in higher education which will entail a review of the Forum and QQI.

11. Working Group on Student Engagement

11.1 The CEO introduced this item noting that there was a concern that the role of students in HEI governance was given only token recognition. Ms Duffy outlined the work of the group which was chaired by Professor Tom Collins. While the original objective was to focus on the role of students in institutional governance it was decided that the working group should also look at engagement in student learning. The outcome of the review has been a set of 10 principles for student engagement. The next steps will be the finalisation of the

report on 14th April and the launch of a pilot programme which will also involve USI and QQI.

11.2 The following issues were raised;

- The report was a little confusing as it introduced the role of student engagement in learning which was different from engagement of students in institutional governance. Ms Duffy noted that there were good models of practice in the former which could inform the latter.
- There was a concern that the report and its recommendations were platitudinous.
- Ms Duffy confirmed that the National Forum for the Enhancement of Teaching and Learning was consulted and the working group's principles were consistent with those of the Forum.
- Some of the principles seemed ambitious, in particular the concept of students as 'co-creators.' The point was made that many students see themselves as consumers. Ms Duffy noted that a number of HEI academic councils have reviewed the principles and were quite positive.

Decision: Item noted. It was agreed that a progress report on the pilot project and adoption of the principles after 6 months.

12. HEA-DES 2016 Service Level Agreement

12.1 The CEO noted that the SLA as drafted by the DES is largely consistent with the work-plan approved by the Board last November. There were a number of items that needed clarification and the HEA proposed adding additional actions being undertaken which are not included in the current SLA. This includes actions such as the Gender Review and the development of a new HEA strategic plan. The HEA also will indicate that it will need approval to fill its current vacant posts before it can commit to agreeing the SLA.

12.2 Members expressed serious concern that the level of detail in the SLA reflected a lack of confidence in the HEA and its ability to get the job done. It was suggested that pages 1-8 of the SLA should be sufficient. The CEO indicated that this reflected an increasing tendency on the part of Departments to exert control over their agencies. It was noted that this reflects trends internationally. Members were advised that state agencies are required to conclude a service level agreement with their line Department under the Code of Governance. Members accepted the need for Departmental oversight but felt the level of detail reflected a lack of trust. Members would welcome the opportunity for ongoing dialogue with senior Department officials to consider how both bodies can work in partnership.

12.3 Mr. Costello noted that the level of detail reflects the actual day to day engagement between the Department and the Executive.

Decision: It was agreed that the CEO would write to the DES indicating the following;

- The HEA cannot commit to the SLA until it is in a position to fill its vacant posts.
- Board members were concerned with the level of details in the SLA and that this reflected a lack of trust in the HEA.
- The Board would welcome the opportunity to have a dialogue with the Department.

13. Any other business – National Strategies – Action Plan for Jobs 2016, National Skills Strategy and Innovation 2020

13.1 Item noted.

Decision: Item noted.

Next Meeting

24th May 2016

Padraic Mellett

24th March 2016