



Higher Education Authority
Report of Meeting of the Board of the HEA held on 2nd July 2024

- Present:
- Mr Michael Horgan, Chairperson (agenda items 1-19)
 - Mr Dermot McCarthy (agenda items 1-19)
 - Dr Fiona Killard-Lynch (agenda items 1-19)
 - Dr Niall Connors (agenda items 1-19)
 - Dr Rory O’Sullivan (agenda items 1-19)
 - Dr Rosemary Day (agenda items 1-19)
 - Ms Lianne Patterson (agenda items 1-19)
 - Ms Nessa McEniff (agenda items 1-19)
 - Ms Paula Fyans, Deputy Chairperson (agenda items 1-19)
 - Professor Anne Scott (agenda items 1-19)
 - Professor Mark Rogers (agenda items 1-19)
 - Mr Chris Clifford (agenda items 1-19)
- In attendance:
- Professor Daniel Carey, IRC Chair (agenda items 1-19)
 - Professor Marie Clarke, SETL Committee Chair (agenda items 1-19)
 - Dr Alan Wall (agenda items 1-19)
 - Ms Orla Nugent (agenda items 1-18)
 - Mr Padraic Mellett (agenda items 1-18)
 - Ms Caitriona Ryan (agenda items 1-18)
 - Dr Vivienne Patterson (agenda items 1-18)
 - Ms Pearl Cunningham (agenda items 1-18)
 - Mr Peter Brown (agenda items 1-18)
 - Ms Sheena Duffy (agenda items 1-18)
 - Ms Orla Christle (agenda items 1-18)
 - Mr Ciaran Mc Caffrey (agenda items 1-18)
 - Mr Tim Conlon (agenda items 1-18)
 - Dr Louise Callinan (agenda items 1-18)
 - Ms Eilis Noonan (agenda items 1-18)
 - Mr Phillip Mulvaney (agenda item 17)

Conflicts of Interest

Professor Scott did not participate in Item 16 due to a conflict of interest.

Quorum

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

Opening remarks

As this was his final meeting, the Chair thanked the Board and the Executive of the HEA for all of their work and participation. The CEO thanked the Chair on behalf of the Members and the HEA Executive for his many valuable contributions over his eight-year term.

1. Report of previous meeting

The Report of the Meeting of the HEA Board on 14th May 2024 was approved.

2. Matters arising

2.1 *Findings from CSO Analysis of PhD Graduates Outcome*

The CEO confirmed that the Executive have been liaising further with the Central Statistics Office and that a further update will be provided at the September meeting.

3. Memorandum B33/24 UCC S.64 Report

3.1 Ms Nugent presented this item. The Board was requested to note the report on Review of a Matter under Section 64 of the HEA Act 2022, submitted by the Governing Authority of University College Cork (UCC). Ms Nugent confirmed that the HEA had a constructive meeting with UCC following receipt of this report. As per the HEA's requirement, an action plan has been put in place, and approved by the Governing Authority. The implementation of this action plan will be overseen by UCC's Audit and Risk Committee. The HEA will meet with UCC again in September and a period of ongoing monitoring will follow, which is likely to continue for 12 to 18 months.

3.2 The following queries were raised:

- Are some of the governance issues identified in the report occurring in other institutions, and if so, can broader improvements be made in the governance of institutions?

Members were advised that the HEA takes a comprehensive approach to governance oversight through the Annual Governance Statements process, identifying common areas of concern. The HEA will consider opportunities to share learnings with the sector later this year once the various processes have been completed. This could include engagement with Chairs, Presidents and Senior Leaders as well as Governance staff and the use of HEA Bulletins which have been used to share information regarding matters of concern with the sector.

Decision: Members noted this item.

4. Memorandum B34/24 Membership of HEA Committees

Members were requested to approve revised structure and membership of the HEA committees as per below. The remit of the Audit and Risk Committee was expanded to include oversight of HEA's finances and become the Finance, Audit and Risk Committee. Dr Niall Connors was selected as the Chair of the new System Development Committee.

Finance, Audit and Risk Committee	System Funding, Governance and Oversight Committee	Student Engagement & Teaching and Learning Committee	System Development Committee
Chair: Fiona Killard-Lynch	Chair Rory O'Sullivan	Chair Marie Clarke	Chair Niall Connors
Michael Horgan	Fiona Killard-Lynch	Rosemary Day	Anne Scott
Lianne Patterson	Dermot McCarthy	Paula Fyans	Rosemary Day
Niall Connors	Lianne Patterson	Michael Horgan	Dermot McCarthy
Anne Scott	Mark Rogers	Nessa McEniff	Rory O'Sullivan
Chris Clifford	Nessa McEniff	Chris Clifford	Mark Rogers
External Member: Anne Brady	Paula Fyans	Up to 9 external members	
	External Member: Anne Brady		

It was agreed that revised Governance Documents setting out the Terms of Reference for each Committee will be brought to the next Committee meetings for recommendation to the Board for approval. Each Committee will also have an opportunity to assess their requirements for external members. Ms Anne Brady will serve on the Finance, Audit and Risk and System Funding, Governance and Oversight Committees as an external member.

Decision: The Board approved the revised Committee structure and membership.

5. Report of the Audit and Risk Committee 13th May

Dr Killard-Lynch presented this report.

5.1 Committee Governance Document

The Committee agreed a term of two years for the Committee Chair, and recommended the Board approve this addition to the Committee Governance Document.

Decision: The Board approved this addition to the Governance Document.

5.2 Risk Management

The Committee recommended approval of the Sectional and Corporate Risk Registers, Risk Appetite Statement and Risk Management Framework. The Executive will arrange a workshop on Risk Management for members during the next Committee meeting in September.

Decision: The Board approved the Risk Registers, Risk Appetite Statement and Risk Management Framework.

5.3 Internal Audit Reviews

The Committee provided feedback to the Executive on draft Terms of Reference for a Culture review.

Members noted the Report.

6. Report of the Finance Committee 28th May

Dr O'Sullivan presented this report.

6.1 Committee Governance Document

The Committee agreed a term of two years for the Committee Chair, and recommended the Board approve this addition to the Committee Governance Document.

Decision: The Board approved this addition to the Committee Governance Document.

6.2 Report on 2024 Budget and Accountability Meetings

The Committee noted the Report on the 2024 Budget and Accountability meetings with the higher education institutions. Overall institutions reported aggregate income of €4,802m in 2022/2023 and generated aggregate surpluses of €61m. This shows a growth in income of 6% on the previous year, and surpluses reported represent 1.3% of income. This is a decline of €27m on aggregate surpluses of €88m reported in 2021/22. For 2023/24 institutions are forecasting a further reduction in aggregate surpluses to €13m. The Executive noted that universities are required to borrow substantial sums to achieve their core mission with current debt levels at €1.3billion. The technological sector is not permitted to borrow at present.

6.3 Grant Estimates 2025

The Committee recommended approval of the 2025 Estimates Submission for the sector which includes details for the B04, B10.2, B11, B16 and B13 votes. The total additional

Estimates request for 2025 is €776.13m. This provides for a range of policy initiatives as well as attending to structural issues such as pay awards and pensions.

Decision: The Board approved the 2025 Estimates submission.

Members noted the Report of the Finance Committee.

7. Report of the Irish Research Council Meeting 24th May

Professor Carey presented this report.

7.1 Research Ireland

Professor Carey provided an update on the amalgamation process. The Research & Innovation Act has been passed, and Ministerial Orders will need to be signed to establish the agency and allow for the transfer of data and staff. The Board noted the impact on research of delays and uncertainty around this process.

Members noted the Report of the Irish Research Council.

8. Report of the Student Engagement and Teaching & Learning Committee 6th June

Professor Clarke presented this report.

8.1 New Committee Members

The Committee welcomed two new international members, Prof. Alison Cook-Sather and Dr Jan McArthur.

8.2 SATLE Reports and 2024 Allocation

The Committee recommended approval of the Forum Executive approach to the €5 million 2024 SATLE Allocation to the HEI sector.

Decision: The Board approved this allocation.

8.3 Follow-up on Strategy Day

The Committee discussed the definition of student engagement and recommended approval of the below definition:

Student Engagement is a collaborative commitment between institutions and students that values and fosters a social and educational environment where students feel they belong; are empowered to actively participate in learning, realise their potential and engage meaningfully with their institution and in society.

Decision: This was approved by the Board.

8.4 College Awareness Week – 2024 Allocation

The Committee recommended the approval of the allocation of €10,000 from the Access Administration Budget to College Awareness Week (CAW), a national campaign run from Trinity College Dublin to raise awareness of post-secondary opportunities. The funding allocation is to support the prioritisation in the 2024 CAW campaign of target groups identified in the National Access Plan 2022-2028.

Decision: The Board approved this allocation.

Members noted the Report.

9. Memorandum B35/24 Provision of Accounting, Audit and Financial Advisory Services

9.1 Ms Cunningham presented this item. The Board was requested to approve the appointment of Mazars as the framework provider for Accounting, Audit and Financial Advisory Services and the appointment of Ernst & Young (EY) as the alternative provider if Mazars are unable to undertake certain work.

9.2 The following query was raised:

- Did the estimated value of this contract differ significantly from the previous contract? Ms Cunningham advised that due to HEA's increased legislative powers it is expected that these costs will be higher than previously and will depend on the number and complexity of assignments. The scope of work and fees are agreed in advance for each assignment.

Decision: The Board approved these appointments.

10. Memorandum B36/24 Capital Procurements

10.1 Mr McCaffrey presented this item. Members were requested to approve the appointment of the following:

1. Real Estate Advisory Services

Appointment of GVA Donal O'Buachalla trading as Avison Young as the framework provider for Real Estate Advisory Services and the appointment of Deloitte Ireland LLP, BDP, WKN Consortium as the alternative provider in the event that Avison Young are unable to undertake certain work.

2. Space Utilisation Survey

Appointment of Southern Universities Management Services (SUMS) as the provider for Consultancy Services for the Higher Education Space Utilisation Survey.

3. *Student Accommodation Standardised Design*

Appointment of Metropolitan Workshop as the provider of an expert multi-disciplinary team to draft design standards for new State sponsored Purpose-Built Student Accommodation (PBSA).

10.2 The following query was raised:

- How many campus surveys are planned for the space utilisation work? Mr McCaffrey indicated 16 would be the baseline. The HEIs carry out the survey themselves, and the multi-disciplinary expert team will assist the HEA in interpreting the results.

Decision: The Board approved the appointments outlined in 1, 2, 3 above.

11. **Memorandum B37/24 Capital Funding Update**

11.1 Mr McCaffrey presented this item, which was an update on the work of the HEA Capital Programmes Unit (CPU).

The HEA had a capital allocation of circa €195m for approved capital projects in 2024. Capital expenditure is running slightly behind, however, it is expected to increase in the second half of 2024. Pauses of capital funding as a result of ongoing statutory processes have also impacted progress of some projects.

11.2 The following queries were raised:

- Is it the practice to agree revised timelines for delayed projects? Yes, this is an ongoing process.
- Should the provision that a certain proportion of student accommodation be capped subject to affordability be expanded to all? Mr McCaffrey advised that this discretion rested at the Department.

Decision: Members noted this update.

12. **Memorandum B38/24 Update on Utilisation Survey**

12.1 Mr McCaffrey presented this item. Members were requested to note progress of Higher Education Authority (HEA) 2023/24 Higher Education Space Utilisation Survey. The objective of the Higher Education Space Utilisation survey is to provide an evidence base for utilisation of teaching space in the higher education sector in Ireland. The measurement of space utilisation assists in understanding usage of the national estate and future capital investment decisions. The survey was developed by the HEA and implemented across 16 HEIs in 2023/24.

The findings were communicated to the HEIs through a dashboard and a summary report will be published. Each HEI will be requested to develop an implementation plan to address utilisation.

12.2 The following queries were raised:

- It was noted that informal use of spaces by students as reading or studying spaces may not be reflected in the formal returns, therefore actual space use may exceed theoretical use in some scenarios.
- It was also noted that specialist rooms e.g. laboratories can only be used for a certain amount of time per week subject to demand and/or required staffing levels.
- It was remarked that central timetabling can often lead to inflexibility and logistical issues and should be examined by HEIs. A centralised booking system may assist with this challenge.
- The fact that a demonstrable dataset was now available was welcomed, and it was recommended that HEIs be required to reference this in their applications for capital funding.

Decision: Members noted this update.

13. Memorandum B39/24 HEA Annual Report 2023

13.1 This item has been deferred and will be circulated to the Board in the coming weeks for members' comments. Ms Duffy indicated that the format for the 2024 report can be reviewed next year.

14. Memorandum B40/24 HEA Pension Error

14.1 Mr Mellett presented this item. Members were requested to note the outcome of the review of pension payments in the HEA and the next steps. The errors in pension calculations were identified in consultation with the Public Authority Pensions Services. The C&AG have been advised of the level of underpayments and overpayments. The Public Service Pensions (Single Scheme and Other Provisions) Act 2012 provides the legal mechanism for the recovery of pensions overpayments, and the HEA is required to seek to recover these amounts.

The HEA has also identified some safeguards to ensure this issue does not re-occur, including:

- Review of Policies and Procedures
- Pending the outsourcing of the processing of payroll and pensions, the recruitment of a payroll specialist
- Internal Audit of Payroll and Pensions
- Consideration of Outsourcing of Pension Administration, alternatively establishment of a pensions unit in the HEA having regard to our responsibilities in relation to university pension schemes.

14.2 The following queries were raised:

- It was noted that a poverty proofing exercise needs to be performed when carrying out the process of recovering the overpayments.

- Members recommended that affected pensioners be allowed a longer period to pay back the funds having regard to their particular circumstances.

Decision: Members noted this update and the HEA's intention to write to those who received overpayments and seek to recover overpayment, being mindful of the pensioners' circumstances.

15. Memorandum B41/24 HEI Pension Appeal

15.1 Mr Mellett presented this item. The Board were requested to note the determination made by the CEO on a pension appeal submitted by a staff member in TCD. The Board at its meeting in March 2023 agreed to delegate to the CEO decisions on pension appeals on the understanding that the Board would be notified of these decisions before they are submitted to the Ministers for their consent.

Decision: Members noted this update.

16. Memorandum B42/24 Legal Services Regulatory Authority Nomination

16.1 Mr Mellett presented this item. Members were requested to approve the nomination of Mr Tom Boland and Professor Anne Scott as nominees to the Legal Services Regulatory Authority. The HEA is one of six bodies required to nominate a lay member of the Authority.

Decision: Members approved this nomination.

17. Corporate Risk Register

17.1 Members discussed the risk register and the cybersecurity risk with Mr Mulvaney. He confirmed that completion rates for cybersecurity training have improved, and members suggested that individuals who do not complete the training be denied access to the system. Mr Mellett also confirmed that cybersecurity training will be arranged for Board Members later in the year.

Members noted this item.

18. Executive Report

18.1 The following issues were discussed:

- It was noted that DFHERIS are planning to examine research top slice funding in the near future.
- There has been a high level of engagement by HEIs in the System Performance Framework process, which has a deadline of 19th July

Members noted the Executive Report.

19. Members Only

No issues were raised under this item.

Next Meeting: The date of the next meeting was agreed as Tuesday 17th September.

*

Chairperson

Date