Higher Education Authority
Report of Meeting of the Board of the HEA held on 26th March 2024

Present:          Mr Michael Horgan, Chairperson (agenda items 1-20)
                  Mr Dermot McCarthy (agenda items 1-20)
                  Dr Fiona Killard-Lynch (agenda items 1-20)
                  Dr Niall Connors (agenda items 1-20)
                  Dr Rory O’Sullivan (agenda items 1-20)
                  Dr Rosemary Day (agenda items 1-20)
                  Ms Lianne Patterson (agenda items 1-20)
                  Ms Nessa McEniff (agenda items 1-20)
                  Ms Paula Fyans (agenda items 1-20)
                  Professor Anne Scott (agenda items 4-20)
                  Professor Mark Rogers (agenda items 3-20)

Apologies:         Mr Chris Clifford

In attendance:     Professor Daniel Carey, IRC Chair (agenda items 1-20)
                  Professor Marie Clarke, SETL Committee Chair (agenda items 1-20)
                  Dr Alan Wall (agenda items 1-20.1)
                  Ms Orla Nugent (agenda items 1-18)
                  Mr Padraic Mellett (agenda items 1-18)
                  Mr Tim Conlon (agenda items 1-18)
                  Ms Caitriona Ryan (agenda items 1-17)
                  Dr Vivienne Patterson (agenda items 1-18)
                  Dr Louise Callinan (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)
                  Ms Eilis Noonan (agenda items 1-18)
                  Mr Maurice Moynihan (agenda items 9-10)
                  Ms Linda Darbey (agenda item 7, 12)
                  Ms Linda Rose (agenda item 14)

                  Dr Mary-Liz Trant (agenda item 18)
Conflicts of Interest

No conflicts of interest were declared.

Quorum

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

1. Report of previous meeting

The Report of the Meeting of the HEA Board on 23rd January 2024 was approved.

2. Matters arising

2.1 HEI Matters

The CEO briefed Members on matters of governance in University of Limerick (UL). Because of the serious concern of matters as reported, the Chief Executive informed that Board that under the powers granted to him in the HEA Act 2022, he was initiating Section 64: “(1) The Chief Executive Officer may, if he or she is of opinion that there are significant concerns regarding the governance of a designated institution of higher education or the performance by such an institution of its functions or compliance by it with its obligations including, but not limited to, compliance with any guidelines, codes or policies issued under section 143, request the governing body of the institution in writing to undertake a review in accordance with this section.”

Following detailed discussion, the Board acknowledged that this was the appropriate action to be taken by the CEO and indicated their support.

2.2 Recurrent Grant Outturn and Approach to 2024 Grant Allocation

Arising from the report of the previous meeting and following conversations with the Chairperson, it was agreed that a briefing session should be arranged for the Board on the funding mechanisms and model (Recurrent Grant Allocation Model (RGAM)). Copies of the Cassells Report and the follow up report by Bríd Horan would be made available to all members.

3. Report of the Student Engagement and Teaching & Learning Committee 27th February

Professor Clarke presented this report and welcomed two new staff members to the National Forum for Teaching & Learning in the HEA, as well as the appointment of Mr. Colin Lowry to a new position in the Forum.

3.1 Planning for Strategy Day

Members were given an overview of the upcoming strategy day and its scope.
3.2 **Student Success Framework Review**

SETL Committee members received a paper setting out the proposed arrangements for this review, which will be arranged shortly.

3.3 **AOB**

- The Committee Chair updated Members on a meeting held with the National Forum Associates Assembly.

- As part of the expressions of interest process for seconded experts to the National Forum, an expert in the area of AI will be appointed and will lead on policy development in this area. Interviews are due to take place in early April. It was noted that QQI have a white paper out for consultation currently on academic integrity and are embarking on a project on AI.

3.4 The following query was raised:

- AI was brought up in the context of teaching and learning, is this something that the Board should be examining as well as Committees? The Committee Chair explained that HEIs are currently developing policies in Teaching & Learning and Research, and the HEA should investigate how the potential of new technologies can be harnessed.

**Decision:** Members noted the Committee’s Report.

4. **Report of the Audit and Risk Committee 4th March**

Dr Killard-Lynch presented this report.

4.1 **HEA’s 2023 Financial Statements**

The Committee recommended the Board approve HEA’s 2023 Financial Statements, subject to no material change being identified by the audit.

**Decision:** The Board approved HEA’s 2023 Financial Statements.

4.2 **2024 Internal Audit Work Plan**

Members agreed the IA Work Plan for the year.

4.3 **Closure of Bank Account re HERA**

The Committee recommended the Board approve the closure of the HEA bank account used for the HERA programme.

**Decision:** The Board approved the closure of HEA’s bank account no. 31497 0284 – IRCHSS HERA Administration.
4.4 Report on the Review of the HEA’s Internal Controls

The Committee recommended the Board approve the Report on the Review of the HEA’s Internal Controls.

Decision: The Board approved the Report on the annual review of the HEA’s Internal Controls.

4.5 Audit and Risk Committee Governance Document

4.5.1 Membership:

There was a lengthy discussion in relation to proposed changes to the Governance Document, particularly the proposal to include a provision stating the membership of the Committee shall have “a minimum of five Members”. Members were unclear about the rationale for this change. The Chairperson explained that the suggestion was to ensure the number of Board Members on both the Audit & Risk and Finance Committees as agreed at the January meeting could be provided for in the Governance Documents. He added that Members are free to recommend any changes to these documents for Board approval. It was agreed that Committee Members will consider the membership of Committees and revert to the Board at the May Board meeting with further proposals.

4.5.2 Term of Committee Chair

The suggested addition in the Governance Document of a term of two years for the Chair of the Committee was discussed, and the rationale was again unclear to Members. It was explained that the intention was to enable more Members gain experience in chairing board committees. The Chairperson reiterated that this was a matter for both Committees to discuss and make recommendations to the Board concerning the ToRs.

4.6 Biannual Review of Risk Management

• It was agreed that it be clarified in the Governance Document that the Committee should not determine the HEA’s Risk Appetite Statement but review and make recommendations to the Board.
• Following discussion at the Audit & Risk Committee meeting in relation to the risks as set out in the HEA Corporate Risk Register, some further updates were suggested and included for the Board’s review.
• The Board noted the proposed changes and agreed that the Corporate Risk Register be further interrogated at the next meeting of the Committee.
• It was also agreed that the risk relating to cybersecurity be discussed at the next Board meeting, in line with the recommended practice of focusing on a high-level risk at each Meeting.
4.7 Members Only items

Several common items which arose in the Members Only sessions of both the Audit & Risk and Finance Committees were brought to the Chairperson’s attention by the Committee Chairs.

4.7.1 Committee Structure: Members were concerned about the absence of system performance, strategy and policy from the Terms of Reference in either the Audit & Risk or Finance Committee. The Chairperson suggested that the Board consider the creation of a new subcommittee to cover System Performance, Strategy & Policy and Statistics. This would be an opportunity to reduce the number of Board Members on each of the other two Committees. Alternatively, some of these matters could be included in the terms of reference for the Finance Committee.

Decision: It was agreed that following the briefing session on the Recurrent Grant Allocation Model (RGAM) to be arranged, Members would further consider the appropriate Committee structure and discuss further at the May meeting of the Board.

4.7.2 Meeting with Former Board Members: Following discussion, it was agreed that Members would not seek a meeting with former Board Members at this time.

The following issues were raised:

- It was noted that it is a primary responsibility of the Board to oversee strategy, and the question was raised as to whether a dedicated subcommittee would dilute this. The Chair noted a subcommittee would provide an opportunity to consider the development of strategy in greater detail but the final decision would rest with the Board.
- It was also suggested that an explanatory session on financial statements for Members of the Audit and Risk Committee would be useful. The Executive will arrange this.
- It was requested that documents submitted to the Board include a shortlist of acronyms used.
- It was requested that the Cassels report, the Hunt report, and the Report by Brid Horan be included in the Members Induction material.

Decision: Members noted the Committee’s report.

5. Report of Finance Committee 5th March

Dr O’Sullivan presented this report.

5.1 HEA & IRC Administration Budgets 2024

The Committee recommended approval of the HEA and IRC 2024 Administration Budgets. The HEA 2024 Administration budget is a proposed deficit outturn of €650k (€100k surplus on operating activities and €750k shortfall on refurbishment works). This net deficit will be met from c.€3m revenue reserves carried forward. The IRC 2024 Administration budget is a
proposed deficit outturn of €255k which will be met from €283k revenue reserves carried forward.

**Decision:** The Board approved the HEA and IRC 2024 Administration Budgets.

5.2 *IRC Programme Outturn 2023 and Budget 2024*

The Committee noted the IRC’s Programme Outturn for 2023 and recommended approval of the IRC Programme Budget for 2024.

**Decision:** The Board approved the IRC Programme Budget for 2024.

5.3 *2024 Access Funds Allocation (Fund for Students with Disabilities (FSD) and Student Assistance Fund (SAF))*

The Committee recommended approval of the approach to the allocation of the stated budget under the SAF and FSD funding streams. The allocations are €9.1m for SAF and c.€8.041m for FSD with a total allocation of c.€17.141m.

The Committee Chair raised a query regarding the use of the term ‘beneficiary’ in the memo and the Committee agreed that the historical reference to ‘beneficiaries’ in receipt of access related funding will be discontinued and replaced with ‘students’ in the context of any memos or related access material.

**Decision:** The Board approved the allocation of the Access Funds for 2024.

5.3 *Other Items*

The Committee agreed to bring the issues raised in relation to the Governance Document, which were also raised by the Audit & Risk Committee, to the attention of the Chairperson and the Board (please see item 4.5.1 above).

The Committee noted the following items for information:

- 2024 Recurrent grant allocations issued to the university sector, technological sector and specialist institutions.
- Issues highlighted by the C&AG and other issues noted as part of the review of the audited financial statements of the higher education institutions for 2021/22.
- HEA Management Accounts December 2023.

5.4 The following issues were raised:

- Does the HEA have the capacity to centrally increase HEI budgets for cybersecurity? HEIs are responsible for managing the costs of operating their institutions. Through the HEA’s engagement with HEIs during the Budget & Accountability process, HEIs raise challenges such as cybersecurity noting associated costs. Key information points identified during this process are noted in the Budget and Accountability
Report memorandum which will be brought to the Board. In addition, the information gathered during this process informs the HEA estimates process and an associated memorandum will be brought to the Board for consideration and this is then communicated to the Department for their consideration.

- A question was raised in relation to off scale renumeration arising in HEA appointments - it was confirmed that no such arrangements are in place in the HEA.

**Decision:** Members noted the Committee’s report.

### 6. Report of the Irish Research Council Meeting 26th January

Professor Carey presented this report.

#### 6.1 New Research Agency

The Council received a briefing from Dr Deirdre Lillis, Assistant Secretary General on the Research & Innovation Bill, and met with Professor Philip Nolan, CEO Designate of the new agency, Taighde Eireann. The Bill continues to progress through the Oireachtas.

#### 6.2 Other Items

- The Council received a presentation from the Irish Marie Skłodowska-Curie Actions (MSCA) Office.
- The appointment of the Science Advisor position is currently in the Top-Level Appointments process with the Public Appointments Service.
- The Council has emphasised to DFHERIS that research infrastructure commitments already given by SFI need to be given careful consideration.
- PhD stipends remain an ongoing concern.

#### 6.3 The following issues were raised:

- Have major changes been made to the Bill via legislative amendments? It was confirmed only relatively minor adjustments proposed by the Minister have been passed.
- The Council continue to raise the issue of parity of esteem for Humanities and Social Sciences with DFHERIS in the context of the new agency.
- Potential for a Funders Forum to be set up by DFHERIS to look at the research funding system.
- It was established that there is no formal linkage between the position of Science Advisor and the proposed national research and innovation forum.
- It was confirmed there was no specific consideration of funding for PhD researchers not currently in receipt of stipends.

**Decision:** Members noted the Report of the Irish Research Council.
7. Memorandum B10/24 HEA Annual Plan 2024

7.1 Mr Conlon presented this item. Members were requested to approve the proposed Annual Plan for 2024, for consideration by the Minister for FHERIS, under the HEA Act 2022.

This Annual Plan has been developed to meet the requirements of Section 21 of the Higher Education Authority Act 2022 and has regard to the objects set out in Section 8, which are encapsulated in the HEA remit. The Annual Plan is aligned with the strategic priorities and objectives of the HEA Corporate Strategic Plan 2023-2026. The HEA has also received feedback from DFHERIS on the Annual Plan.

7.2 The following queries were raised:

- The term “critical incident” was clarified as relating to a risks & issues reporting tool currently in development.
- The timing of the next annual plan was discussed. It will be finalised in January 2025 and brought to Board for consideration before the end of 2024. This is dependent on the receipt of budget information from the Department.
- How will performance against the Plan be measured? It was confirmed that there will be a separate quarterly tracking document.
- The future role of the HEA in research will need to be further clarified post-establishment of the new Research agency. In particular, the issue of research overheads should be considered by the Board.
- In some cases, the expressed deliverables in the Plan are very similar to the stated objective. This can be worked through in further detail in the tracking document.
- Can some of the more minor objectives be considered for outsourcing when looking at workplan? HEA will work to develop system capacity where possible, allowing HEA to assume a less direct role in some matters over time.
- On the strategic objective of “enhancing and rewarding Teaching & Learning” who are the stakeholders and what format does consultation take? Members were advised that there is a structured feedback consultation system currently in place.
- Human Capital Initiative - how does this work? This is a 5-year funded programme around innovation and agility.
- Members requested to see a sample performance agreement. Previous iterations have been published, new ones are currently being developed and are due back from HEIs in the next few weeks. These are aligned with the System Performance Framework.
- Further detail on proposed Erasmus objectives was requested. Members were advised that these are at an early stage in development. The HEA is seeking case studies on how Irish mobility rates might be increased, specifically in the area of blended intensive programmes.
- Can underspend in the Capital investment programme be used to replace or maintain high tech equipment by HEIs? Members were advised that a capital equipment grant is provided to the HEIs. Any capital underspend is a matter for the Department.
• **Decision:** The Board approved the Annual Plan. In some cases, as expressed deliverables are similar in wording to stated annual objectives and vary in the level of granularity provided, a review and updating of deliverables to ensure alignment with annual objectives and sufficient granularity will be carried out over the reporting period. This will aid with establishing progress (each quarter) on the achievement of annual objectives. The Board also expressed a preference for active rather than passive phrasing of objectives in the plan.

8. **Memorandum B11/24 HEANet Director Nomination**

Mr. Mellett presented this item.

8.1 Members were requested to approve the appointment of the following as Directors of HEAnet CLG:

- Ms Allison Kavanagh, Head of Library Services at TU Dublin – to represent the Council of University Librarians
- Ms Orla Christle, Head of System Governance, HEA

**Decision:** Members approved these appointments.

9. **Memorandum B12/24 HEA Governance Protocol**

Ms. Christle and Mr. Moynihan presented this item. The Board was requested to approve the draft Protocol Underpinning the Exercise of Legislative Provisions available to the HEA. A previous draft was submitted to the Board in September 2023. That draft was issued to the sector for consultation, and the Protocol was revised in reference to the feedback received.

The Protocol has been developed to assist and guide HEIs and other stakeholders in understanding the legislative provisions which are available to the HEA and the manner in which the HEA may make use of these provisions.

9.2 Members raised the following observations:

- The term “whistleblowing” is used, and it was suggested instead to align the wording with the Protected Disclosures legislation.
- It was suggested that it should be further delineated in the document where the CEO is acting as distinct from the Board.
- Consideration should be given to outlining the desirable qualifications or attributes for a reviewer as provided for under Section 68 of the HEA Act 2022.
- In terms of the appeals process, how does this work in the timeframe of the HEA dealing with the primary issue? Members were advised that this has been under discussion with DFHERIS. There is a potential to appeal to the CEO for a stay in further processes/proceedings. Ms Christle confirmed the Appeals Regulations are still being drafted by the Office for Parliamentary Counsel. Further clarification around the appeals process can then be provided in the protocol.
• There were minor typographical and wording changes suggested which were accepted.

Decision: Members approved the Protocol subject to the above amendments and the publication of the finalised Protocol on the HEA website.

10. Memorandum B13/24 Grant Funding Conditions

10.1 Ms Nugent and Mr. Moynihan presented this item.

The Board were asked to consider and approve two additional funding conditions under the terms of S38(2)(h) of the HEAA 2022 requiring compliance with the Oversight Agreement and to ensure that funds from the core grant are used for teaching, research and supporting activities only.

The HEA 2024 Recurrent Grant Allocation letter shall be provided to the following Funded Bodies:

• Atlantic Technological University
• Dublin City University
• Dun Laoghaire Institute of Art and Design
• Dundalk Institute of Technology
• Mary Immaculate College
• Maynooth University
• Munster Technological University
• National College of Art & Design
• Royal Irish Academy
• South East Technological University
• Technological University Dublin
• Technological University Shannon: Midlands Midwest
• Trinity College Dublin
• University College Cork
• University College Dublin
• University of Galway
• University of Limerick

The following Funded Bodies: Carlow College; National College of Ireland; and St. Patrick’s Pontifical University, Maynooth, which were previously funded directly by DFHERIS will be funded by the HEA on the direction of DFHERIS as authorised by the Minister from 2024 onwards. The Board were asked to consider and approve additional funding conditions under the terms of S38(2)(h) of the HEAA 2022 as set out in Memorandum B13/24 for inclusion in the HEA 2024 Grant letters for these Funded Bodies.

10.2 The following queries were raised:
• Does HEA have the right to stop programmes? The HEA could pause funding. Should the condition “to comply with all relevant laws and obligations” be presented higher in the list of conditions? The Executive confirmed this would be amended.

**Decision:** Members approved the funding conditions as set out in this memorandum.

11. Memorandum B14/24 Technological Sector Advancement Fund (TSAF)

Mr. Conlon presented this item.

11.1 Members were requested to consider proposed project allocations under the Technological Sector Advancement Fund (TSAF), following on from the earlier memorandum B55-23b.

The first allocation, for the Institute of Art, Design and Technology (IADT) was proposed to be €2,000,000 on a phased basis over the lifetime of the fund, subject to satisfactory progress.

**Decision:** The Board approved the proposed project allocation for IADT.

11.2 Members were also requested to consider a proposal to provide an allocation for a sectoral application for funding to create an inclusive body to advocate for, and represent, the technological sector. This may also include provision for the implementation of a research collaboration suite in the technological sector, following two sectoral applications received under TSAF.

Members discussed the proposal and agreed that further detail was required in order to make a final assessment on the proposed allocation of funding to these applications. It was noted that the HEA has a legislative function to promote the sector, and programmes such as TSAF were a key element of this.

11.3 Members raised the following queries:

• Was a membership fee or matched funding model considered? It was confirmed that the proposal provides for co-funding.
• It was clarified that the proposal for the research collaboration suite concerned the open publication of research outputs.

**Decision:** Members noted that the Executive will bring a more detailed proposal on the sectoral application to the next meeting.

12. Memorandum B15/24 Sectoral Review of the Student Contribution Fee and Levy Charges

12.1 Mr Conlon presented this item. The Board was asked to approve the proposed approach to a sectoral review of the student contribution fee and levy charge. The HEA has engaged with three Students’ Union Presidents (Union of Students Ireland, University of Galway, TU Dublin) in relation to this issue.
It is proposed that the HEA conduct a review of the student contribution fee and student levy charged by designated institutions of higher education to establish the following:

- The student contribution fee and levy charged, and areas/services funded.
- Student cohorts who incur the fee and levy.
- The HEI process of allocating the fee and levy.
- Progress on the implementation of the recommendations of the 2010 review:
  - System of consultation with students on the allocation of funding;
  - Agreed framework for reporting income and expenditure with respect to the charges;
  - Transparency (and visibility) on the allocation of the charges to specific services/other areas.

12.2 Members were advised that it was anticipated that a revised set of best practices will emerge from the review.

**Decision:** Members approved the proposed approach to the sectoral review of the student contribution fee and levy charge.

**13. Memorandum B16/24 Proposed Offsite Meeting - May Visit to ATU Sligo**

Members were asked to approve the proposed arrangements to hold the next Board meeting offsite in ATU Sligo, in line with the usual practice of the HEA Board.

**Decision:** Members approved the proposed arrangements.

**14. Memorandum B17/24 IRC Assessor Costs**

Mr. Brown presented this item. The Board was requested to approve a Purchase Order to the value of €319,988 to provide for payments to expert assessors and panel members for Irish Research Council funding programmes.

The table below sets out the projected costs of assessment and panel work in 2024 for IRC programmes:
14.1 The following queries were raised:

- Does the IRC perform internal eligibility checks? It was confirmed these are done internally with assessment always done externally.
- What is the difference between the Inner Assessment Board and Outer Assessment Board? All eligible applications are assessed by Outer Board remote peer reviewers; a shortlist goes to Inner Board where members of a panel meet and recommend proposals for funding.
- Further detail was sought on the Pathways Programme which is managed jointly with SFI. Assessors are paid for multiple applications, and each application is reviewed 3 times, in line with SFI’s processes.
- It was requested to add an additional row to the table above setting out assessor fees as a percentage of the funding budget allocated by each programme.
- Further detail requested on the amount of grants and awardees funded by IRC.

**Decision:** Members approved the Purchase Order for IRC assessor costs.

15. **Review of Corporate Risk Register**

This item was discussed under Item 4 (above).

16. **Memorandum B18/24 Pension Appeal**

Mr Mellett presented this Item. He advised that a draft determination is nearly ready for consideration by the CEO. He sought the Board’s approval to submit details of the determination for electronic approval once a decision has been made by the CEO.

**Decision:** Members approved the request.
17. Memorandum B19/24 Executive Report

The following queries were raised regarding this item:

- It was noted that HEA IT aligns with the NIST Framework. It was suggested that IT explore alignment with the National Cyber Security Centre Public Sector Standards. The Executive will consider this suggestion.
- It was confirmed that a Data Protection Impact Assessment is underway for the potential use of Tiktok, and the Board will be kept informed as to the results of this assessment.
- It was requested that the HEA’s Social Media Policy be shared with the Board.
- It was confirmed a further update will be provided re: HEA’s energy efficiency to the next Meeting. The HEA’s Energy Performance Officer role is shared between Mr Mellett (HEA) and Mr McCaffrey (HEIs).
- It was noted that the HEA’s operating administration budget for 2024 is €4 million higher than 2023 outturn. This is primarily due to additional recruitment in 2024, annualised impact of staff recruited in 2023 and expenditure planned on office fit-out.
- The HEA is undertaking a review of the Senior Academic Leadership Initiative (SALI) - questionnaires have been issued, and the review is expected to be completed by early September.

Members noted this Report.

18. Memorandum B20/24 NAO Business Plan and Budget 2024 - Presentation from Dr Mary-Liz Trant

Dr Trant presented this item. The Board was asked to approve the annual business plan and budget for 2024 for the National Apprenticeship Office (NAO), as well as an updated Memorandum of Understanding between the HEA and Solas for the NAO.

18.1 The two main priorities for the NAO this year are the elimination of the backlog in craft apprenticeships training provision, and the implementation of the single, integrated apprenticeship system.

18.2 The following queries were raised:

- Further detail was sought re the World Skills Conference. Ireland has been participating since 1956 and always performs well. This year 19 Irish competitors are going to Lyon in September, and a separate 3-day event is planned alongside the Higher Options conference in Ireland, which had 25,000 attendees last year.
- It was recommended that the NAO engage with DKIT & MU mentorship programme re: increasing interest in STEM in transition year.
• It was queried how the apprenticeship system would respond to economic downturn? It was recognised that safeguarding of training is a priority and risks remain around a demand-led craft apprenticeship system and should be addressed.
• It was noted that part of resolving the delay in training provision will be the production of an estimator tool.
• The Research & Development item in the budget was queried. It was confirmed that this will consist of an economic review of incentives for participation.

**Decision:** Members approved the annual business plan and budget for 2024 for the National Apprenticeship Office, as well as an updated Memorandum of Understanding between the HEA and Solas for the NAO.

**19. Briefing from HEA Governance, Access Policy, and Corporate Services**

Due to time constraints this item was deferred until the proposed briefing on the RGAM.

**20. Members Only session**

No material matters raised.

**Next Meeting:** The date of the next meeting was agreed as Tuesday 14\textsuperscript{th} May.