

Higher Education Authority**Report of the 396th Meeting held on 29th January 2019
HEA Offices, 3 Shelbourne Buildings**

Present¹: Dr Bahram Bekhradnia
Ms Síona Cahill
Mr Tony Donohoe
Professor Orla Feely
Dr Sharon Feeney
Mr Michael Horgan (via teleconference, items 1-4)
Ms Darina Kneafsey
Dr Deirdre Lillis
Dr Ronan Lyons
Dr Jim Mountjoy
Dr Sinéad O’Flanagan
Mr Pól Ó Móráin
Dr Lynn Ramsey
Dr John Wall (via teleconference)

Apologies: Dr Judith Eaton

In attendance: Mr Paul O’Toole (items 1-12.1)
Ms Orla Nugent (items 1-11)
Mr Padraic Mellett (items 1-11)
Dr Gemma Irvine (items 3-11)
Ms Caitriona Ryan (items 1-11)
Dr Vivienne Patterson (items 1-11)
Ms Mary Farrelly (items 1-11)
Dr Joseph Ryan (item 4)
Ms Terry Maguire (item 4)
Ms Louise McCann (item 4)
Ms Nicki O’Connor (item 7)
Ms Valerie Harvey (item 10)

As Mr Horgan was participating remotely, the Deputy Chair, Dr Feeney, chaired the meeting.

Members at the start of the meeting considered any potential conflict of interest.²

¹ The quorum for HEA Board meetings, six members, was met.

² Dr John Wall, an employee of WIT recused himself from the discussion on WIT (par. 3.5), Dr Deirdre Lillis former employee IT Tralee recused herself from the discussion on ITT (par.3.3-3.4), Dr Sinéad O’Flanagan and

1. Report of 395th Meeting

1.1 The minutes were approved.

2. Matters arising

2.1 The CEO briefed members on developments relating to protected disclosures made in respect of CIT. He indicated that the Executive is currently reviewing CIT's response to the disclosures. As the protected disclosures were made to the Minister for Education and Skills, the HEA will revert back to the Department on this matter.

3. CEO's Report

3.1 The CEO referred to the Kantar Milward Brown report on the perceptions of higher education of the Irish public. There were some interesting insights contained in the report which he suggested should now feed into the discussion on the future of higher education. He suggested the report might be published on the HEA website, following briefing of stakeholders. The following points were discussed;

- The CEO indicated he would clarify the reason at the next meeting, but he understood both IUA and THEA had collaborated on the report and hence had been briefed in advance of the HEA Board.
- An update was sought on the future funding of higher education. It is understood that the issue has been referred to the European Commission by DES for advice, following which it will be considered by an Oireachtas Committee. The Board agreed that the matter would be taken as a special agenda item at a future Board meeting which will consider the available evidence on funding of higher education in Ireland and by international comparison. The Financial Trends Analysis report prepared by Mr Roche will be of assistance in this regard.

3.2 The CEO briefed members on progress of the QQI legislation which is moving through the Seanad and includes a proposed amendment to grant the RCSI University status. It is expected that the advice of the HEA will be sought in terms of the processes, generally, regarding awarding of University status.

3.3 The CEO updated Members on developments relating to the IT Tralee position since the last Board meeting. The Chair and President of the Institute met with the Chair and CEO together with executives of both organisations. The meeting

Mr Michael Horgan, current and former employees respectively of RCSI recused themselves from the discussion on RCSI (par. 3.2)

was also attended by Mr Beausang from the DES. The HEA subsequently received a further letter, clarifying certain matters, signed by both the Chair and President of the Institute regarding its application for additional funding in respect of the Institute's operational deficit and capital deficit arising from the Kerry Sports Academy. The CEO proposed that these requests need to be addressed separately. He outlined the strategic context under which the Institute's requests could be considered namely the ongoing provision of higher education in Kerry and the probability of an application from IT Tralee and CIT to seek designation as a Technological University. In relation to operational deficit, consideration needs to be given whether the RFAM can support those institutions whose capacity to grow student numbers is limited. In relation to the capital deficit consideration could be given to the educational merit of the KSA building and its commercial potential. The HEA would also need to consider what conditionalities might apply to any additional funding which may be considered. He confirmed that the Institute has been advised that the HEA does not have any specific funding to meet the deficit. The DES will accordingly need to be consulted in relation to this matter, particularly in relation to the capital funding sought for the KSA. The Institute's own master plan which envisages the campus consolidating on its North campus would also need to be considered.

3.4 Members raised the following issues;

- Serious concern over the protracted nature of this funding crisis, the quality of information received and the capacity of the Institute to resolve it.
- Implications for the Munster TU process. Members were advised that the TU application needs to be able to demonstrate that the consortium is financially sustainable.
- Members were advised that it was a matter for the Minister to appoint an inspector, should this be deemed necessary.
- It was important that the two deficits were addressed separately and there was no attempt to blur the lines between the two.
- The CAO application returns which are expected during the week commencing 4th February might offer an indication whether the Institute can grow its student numbers in the short term.

Decision: It was agreed that the Chair and/or the CEO would convey to the Department the serious concerns of the Board over the Institute's funding situation including the circumstances that gave rise to this deficit. The Department would be requested to advise what strategic steps it proposes to resolve the matter.

3.5 The CEO briefed Members on the legal advice received in relation to the capacity of the HEA to undertake specific reviews such as the WIT IP review. This was

discussed at last week's meeting of the Public Accounts Committee. This advice confirms that the HEA is not in a position to conclude this specific review. The next step is to consider the position of the 52 people who were interviewed as part of the review – this includes those who made protected disclosures and those who could have been affected by findings and who assert they acted appropriately. Each of the 52 contributions will be reviewed and legal advice will be sought as required. An appropriate communication will then issue to each contributor to the review. He noted that notwithstanding that the review cannot be concluded, some positive developments have emerged from the consideration of IP matters relating to WIT:

- A new reporting framework for the strengthening of IP policies and procedures in higher education is in place following publication of a joint HEA/Knowledge Transfer Ireland report in Q1 2018.
- Implementation of this framework will be the subject of a rolling governance review in 2019.
- The Minister for Business, Enterprise and Innovation is considering a new IP protocol.

It was noted that the Department has issued 16 questions to the Institute's Governing Body. He anticipates the responses to these questions will also inform the next steps to be undertaken. The HEA will continue to liaise with DES on this matter. In summary, while the specific review cannot be completed and there are limitations to what the HEA can legally do, it is important that the HEA afford the opportunity for all contributors to have any remaining issues examined and considered by a competent authority.

The HEA will also need to review its procedures for receipt and consideration of protected disclosures to ensure that it does so under its specific remit.

3.6 Members raised the following issues;

- The HEA's website needs to be updated so that those considering making protected disclosures are aware of the steps the HEA can take. Consideration should be given to asking HEI staff seeking to make a protected disclosure to complete a questionnaire which could establish whether the matter falls within the HEA's protected disclosures procedures. Members were advised that the HEA is looking at its processes, including the use of Transparency International to provide advice.
- Members were advised there was one FOI request regarding the review which is now with the Office of the Information Commissioner.

- The CEO outlined those who were provided a copy of the draft report. While it is not guaranteed, the HEA should be protected from legal challenge so long as it does not publish the report.
- The CEO indicated that the HEA's role as regards governance oversight and enforcement may well change following new legislation.
- The capacity of the HEA to undertake such reviews is of concern.

Decision: Members noted the legal advice. It was agreed that the CEO would communicate with the DES advising them that the HEA regrets it cannot progress this review further given the HEA's limited legal powers and suggest the Department consider a further examination of the matters under review within its powers. The Executive will consider how best to communicate with those parties who engaged with the HEA's review.

3.7 Members noted the process note on how the HEA might engage in proposals to enact new legislation or proposals to change existing legislation.

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

4.1 Dr Ryan and Dr Maguire, representing the Forum, addressed the following in their presentation;

- Mission and key priorities of the Forum
- Recommendations arising from the external review of the Forum
- The key policy imperatives to which the Forum's strategy responds
- Consultations on the development of the Forum's new Strategic Plan 2018-22
- Key strategic priorities and commitments underpinning the strategy
- 2019 workplan actions and high-level success indicators for the following strategic priorities;
 - The professional development of all those who teach
 - Teaching and learning in a digital world
 - Teaching and learning within and across disciplines
 - Student success

4.2 Members raised the following points;

- Members were advised that the Forum employs directly 7 staff (5 WTE). In addition, it seconds staff from the HEIs for specific projects and has a small number of interns.
- The success of the Forum in engaging students.
- How to engage senior institutional leadership so as to embed best teaching and learning practice. Members suggested that one way of further embedding

the activities of the Forum could be to give it a higher profile in the Strategic Dialogue process. Ms Ryan indicated the Access Office raised one of the Access Plan Office and Forum's key strategic objectives, embedding student success, at each of the dialogue meetings with HEIs.

- Importance of the Forum's repository on best practice in teaching and learning.
- In measuring success, it was noted that much of the Forum's work were inputs into setting and mainstreaming best practice. Examples mentioned included the professional development framework for third level staff and the student success strategies. The latter in turn has contributed to improved completion rates and higher student satisfaction rates in the ISSE.

Decision: Following the departure of the THEA representatives, members approved the MoU between the HEA and the Forum. It was agreed that comments on the Forum's strategy should be submitted to Dr Irvine by 1st February.

5. Report of Finance and Governance Committee

Decision: Members approved the Committee's report. It was agreed that the proposed review of the Transformation and Innovation call should ensure that there was clarity as regards any changes to the process and procedures arising from the review.

6. Report of Audit and Risk Committee

6.1 Dr Feeney briefed Members on the Audit and Risk Committee which had met on 28th January. The Committee reviewed a draft Corporate Risk register, a draft procedure for the appointment of an interim CEO, the 2017 C&AG audit and proposals for the 2019 internal audit workplan. A full report will be submitted to the Board for approval in March together with the Corporate Risk Register and proposed procedures for the appointment of a new CEO.

Decision: Members noted the verbal report.

7. 2019 Workplan

7.1 The CEO made a presentation which outlined the following;

- A review of progress in 2018.
- The 18 priorities under the 8 strategic priorities identified in the HEA Strategic Plan 2018 to 2022. He noted that there are 100 deliverables detailed in the strategic plan flowing from the 8 strategic themes. The 2019 workplan now

being presented by the Executive for consideration seeks to advance the 2019 component of the strategic plan and to cater for new policy initiatives that had emerged since its development. He proposed a template for high level reporting on the work-plan at each Board meeting. There would also be a more detailed mid-year and end of year report. It is proposed that the 2019 workplan would be submitted to the DES, if approved by the Board, as an input to the HEA-DES Performance Delivery Agreement.

- The 2019 workplan is ambitious and it is unlikely that the full plan can be achieved with current resources; people, budget, technology and processes. These issues will be discussed with DES.
- The dynamic environment impacting on the strategic plan, including possible priorities arising from a new DES Action Plan for Education.
- A critical assessment of the Strategic Plan will be undertaken in Q1-Q2 and will form part of part of the mid-year review. This will have regard to issues such as HEA resources, new DES and national priorities, revised HEA legislation and HE landscape development. It is planned to carry out a workforce planning exercise and business processing reengineering exercise during the year. Members will be advised at that stage if changes to the plan may be required.

7.2 The Deputy Chair acknowledged the need for conditionalities, in particular staff resources. Members raised the following issues;

- Which Governance Code will apply to Technological University, Dublin? The CEO advised that the Executive will consider the extent to which the IoTs Code is appropriate for the TUs.
- Will actions arising from the Gender Equality Taskforce Action Plan apply to students as well as staff? Dr Irvine indicated in the first instance just staff. Over time the remit of the new Centre of Excellence for Gender Equality within the HEA could be broadened to include wider equality and diversity grounds for both staff and students.
- Will adequacy of funding for the HE system be included? The CEO indicated that it was agreed to discuss this matter at a future meeting. He also raised the adequacy of the organisation's funding noting his view that the HEA has been operating on a very small administration budget, less than 0.8% of the overall funding managed by the HEA.
- The Board will be consulted before final decisions are made on a work force plan. The CEO advised that the Executive has submitted an interim list of additional posts required to undertake new and expanded activities.
- Ms O'Connor indicated that this is the intention that the Board will receive updates on progress and issues arising; the Executive wants to ensure there was consistency in the reporting of actions.

Decision: Members approved the 2019 work-plan and reporting arrangements and noted the conditionalities attaching to the plan. Members noted the report on implementation of the 2018 workplan.

8. HEA Administration Budget – 2018 Outturn and 2019 Budget

8.1 Mr. Mellett introduced this paper noting that the accumulated 2018 outturn was close to the figure presented last year, this was based on draft figures and the accumulated surplus may be a little lower. The 2019 budget as presented proposes a deficit of €205k for the year leaving an accumulated surplus of c. €200k to €230k depending on the final 2018 outturn. He advised Members that the budget was based on four additional posts being funded from the 2019 grant as notified. The HEA will engage with the DES in relation to the funding required for the additional posts being sought.

Decision: Members approved the 2019 Budget and noted the 2018 outturn.

9. Capital Programmes Unit – Funding Programmes Overview

9.1 Ms Nugent made a presentation to the Board which focused on the following;

- Proposed format for reporting on capital matters to the Board
- Overview of capital funding
 - Higher Education Strategic Infrastructure Fund
 - Devolved grant
 - Refurbishment Programme – linked to Health & Safety needs
 - Minor/summer works programme
 - HE Public Private Partnership Programme
- Capital Issues for approval by the Board

9.2 Members raised the following issues;

- Minor works grants – institutions were often paid after the works were carried out. Mr Mellett noted that the minor works grant was a top-slice of the core recurrent grant.
- To what extent are capital developments linked with the strategic dialogue compacts? Ms Nugent noted that to date capital funding has been very limited, the Strategic Infrastructure Fund will be allocated on national priorities.
- Confirmation that capital projects require the approval of the DES. The CEO confirmed this was the case, capital projects will be subject to the approval of the DES, the HEA Executive will oversee the process and the HEA Board will be notified of approved projects.

Decision: Members approved the HEA-DES oversight agreement, the process for execution of the refurbishment programme and the process for execution of HE Strategic Infrastructure Programme. Individual projects recommended by the HEA Executive will be subject to approval of the DES.

The Capital Programmes Unit will regularise the manner in which the Authority is apprised of issues pertaining to capital funding as follows:

- Provide a bi-annual update to the Authority of approved projects across all funding programmes; and
- To bring specific issues requiring the attention of the Authority to the nearest Authority meeting.

10. Graduate Outcome Survey

10.1 Ms Harvey made a presentation to the Board noting that this survey replaces the previous First Destinations Report which had several shortcomings, the key being it did not include all publicly funded HEIs. Her presentation addressed the following;

- Commencement of project to introduce the Graduate Outcome Survey
- Cohort and methodology including response rates
- Graduate outcome findings
 - Overall
 - Institution type
 - Programme type
 - Mode of study
 - Gender
- Employment findings by occupation, location, sector, relevance of qualification and prior internship experience
- Graduate salaries
- Special topics for 2019 report – Early, primary and post-primary education

10.2 Dr Patterson advised Members that it is planned to arrange a press briefing in mid-February on this report and the completions report. Members raised the following issues;

- To what extent does this exercise comply with international best practice? Members were advised that this report compared favourably with many overseas comparators.
- How does this report align with the CSO-HEA longitudinal study? Ms Harvey indicated that they are likely to align more closely over time. There are certain limitations to CSO data such as capturing data on graduates who went to work overseas.

- Employment of international graduates – Ms Harvey confirmed it would be possible to break this down by EU/non-EU graduates.
- Relevance of qualification to the employment gained. Ms Harvey advised that this information was published by level of study.

Decision: Members approved the publication of the report.

11. Dates for Future Meetings

Decision: Members approved the draft dates for Board meetings. Members agreed to move the meeting scheduled for UCC from 2nd July to 28th May. Mr Mellett agreed to prepare a draft schedule of meetings for 2020 for consideration at the next meeting.

12. Members only session

12.1 Members approved the Chair's proposal that a Committee be set up to oversee the process for the recruitment of a new CEO. The members of the Committee will be;

- Mr Horgan
- Dr Feeney
- Mr Donohoe
- Professor Feely
- Dr Mountjoy

Mr. O'Toole will provide assistance to the Committee.

Members queried whether or not there is a contingency plan in place regarding the appointment of a new CEO. This would be initiated in the event of any unforeseen delays in making the appointment. It was agreed that the document 'Procedure for the appointment of an interim CEO' being drafted by the Audit and Risk Committee would be initiated if any delay arises in appointing a new CEO. The procedure will be brought forward to the next meeting for comment/ approval.

Next Meeting

26th March 2019 in HEA Offices

Padraic Mellett

