

Higher Education Authority**Report of 408th Meeting held on 7th July via teleconference**

Present: Mr Tony Donohoe (agenda items 1-11)
Dr Bahram Bekhradnia (agenda items 1-11)
Dr Judith Eaton (agenda items 1-11)
Professor Orla Feely, Deputy Chair (agenda items 1-11)
Dr Sharon Feeney (agenda items 1-11)
Ms Lorna Fitzpatrick (agenda items 1-11)
Mr Michael Horgan, Chairperson (agenda items 1-11)
Ms Darina Kneafsey (agenda items 1-11)
Dr Deirdre Lillis (agenda items 1-11)
Dr Ronan Lyons (agenda items 1-11)
Dr Jim Mountjoy (agenda items 1-11)
Dr Sinéad O’Flanagan (agenda items 1-11)
Dr Lynn Ramsey (agenda items 1-11)
Dr John Wall (agenda items 1-11)

Apology: Mr Pól Ó Móráin

In attendance: Dr Alan Wall (agenda items 1-11.1)
Ms Orla Nugent (agenda items 1-10)
Mr Padraic Mellett (agenda items 1-10)
Mr Tim Conlon (agenda items 1-10)
Ms Caitriona Ryan (agenda items 1-10)
Dr Vivienne Patterson (agenda items 1-10)
Mr Peter Brown (agenda items 1-10)
Ms Pearl Cunningham (agenda items 1-10)

Conflicts of Interest

The Chair reminded all Board members of potential conflicts of interest and asked members to highlight any items that may require attention. No conflicts of interest were raised.

Quorum

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

Disclosures

No disclosures were raised

Meeting with the Minister for Further and Higher Education, Innovation, Research and Science

The Chair briefed members on a meeting he, the CEO and Deputy had with the new Minister and Secretary General of the Department. The meeting lasted nearly two hours. The topics covered included many of the issues which have been on the Board's agenda over the past number of months. Issues raised included;

- The limited investment in the HEA over the last number of years
- Government's planned July jobs initiative
- Additional funding requested under Covid 19
- New HEA legislation – this is the only legislation currently planned by the new Department
- Student contribution
- Configuration of the new Department and engagement with Agencies and key stakeholders to avoid duplication of effort and linkages with sections that are not coming under the remit of the Department such as Capital and Pensions.

Ms Fitzpatrick briefed members on the constructive meeting she had with the Minister as USI President. Mr Brown advised that he and the Chair of the Irish Research Council would shortly be meeting the Minister also.

The following points were made by members;

- Focus on the July initiative – the Chairman said he anticipated the focus will be on reskilling
- The approach of the new Minister to research – Members were advised that the Minister hopes to increase research activity, he did not get into the specifics as regards basic vs applied research but was in favour of a more integrated approach to research and the avoidance of duplication.
- New HEA legislation and institutional autonomy. The Minister did not outline any potential changes to the heads of bill already published. He was supportive of giving the HEA the additional powers required. The size and skill set of University governing bodies was raised. Mr Conlon advised members that a revised draft of the HEA's legislation has been received and will shortly be considered by the Policy & Planning Committee.
- Relationship with SOLAS and further education – this did not come up.
- Anticipated changes to the establishment of new TUs – no changes were envisaged

1. Report of 407th Meeting held 4th June 2020

1.1 The minutes were approved.

2. Matters arising

2.1 No issues were raised.

3. Executive Report

3.1 The CEO updated members on the following developments since the last meeting.

- July stimulus package – The Executive has consulted IUA, THEA and TU Dublin and will be meeting DES. A package of €112m will be proposed to DES (€100m for new blended learning courses, €12m for student supports).
- Additional funding for research will be addressed in the context of a separate submission on Covid 19.

3.2 Issues raised by members included;

- Energy efficiency and decarbonisation pathfinder programme – Ms Nugent advised that 21 proposals were received with 8 proceeding to phase 2.
- Governance Forum – Members were advised that the Forum had no definite timeframe, it is likely to be more active as new HEA legislation is enacted.
- Rolling review on pay, allowances, leave and pensions – Members were advised that a small number of institutional responses were outstanding. It was anticipated these will be received shortly. The report is planned to be published on the HEA website by the end of July.
- Gender Enhancement Fund – Members were advised that the Executive continues to press DES for approval to proceed with the call.
- Human Capital Initiative – pillar 3 – Members were advised that proposals will shortly be submitted to the DES

4. Board view on the implications for HEIs of Covid 19

4.1 Members welcomed the revised document. The following points were made;

- Need to reference those students who might not in the past have been considered vulnerable. The Chair noted that Minister Harris was anxious to secure additional student supports.
- Consideration should be given to including reference to the supports other countries are providing to their HEIs.
- How will equity of student intake be managed having regard to institutional autonomy? Members noted the powers of the HEA under S. 6(2) of the HEA

Act, however it was also noted that the HEA has not exercised this power so a transparent process will need to be put in place. The following points were also made;

- The need to have regard to the impact unrestricted growth would have on smaller, more vulnerable HEIs.
- In England universities were advised they could not increase their numbers more than 5% over last year's intake.
- The HEA has up to now encouraged HEIs to grow their numbers especially on STEM courses.
- The CEO suggested that the Minister and Department be advised that it may become a potential issue.
- The need for all HEIs to act reasonably.

Decision: Members agreed to forward comments on the current draft to Mr Conlon, the Executive will make further changes to the draft having regard to steps being taken in other countries. The revised draft will be considered at a future Board meeting, if necessary, an additional meeting can be convened.

5. Report of the Finance and Governance Committee

5.1 The Chair introduced the Committee's report.

5.2 HEA 2021 Estimates Submission - HEA Administration Budget Estimates 2021

Decision: Members approved the broad approach noting that the Executive would be preparing a more detailed submission for a special meeting of the F&G Committee.

5.3 OECD Thematic Policy Brief in the Higher Education Resources project – Terms of Reference

Decision: The terms of reference were approved subject to comments received from members of the Committee

5.4 GMIT – Castlebar Campus

Ms Nugent advised that the Executive intent to visit the Castlebar campus later in the year.

Decision: Members approved the Committee's report

6. 2021 HEA Estimates Submission for the Recurrent Grant C04, NTF Funding, Apprenticeships, Superannuation (Pensions) C10.2, Access C11 and the IRC

6.1 Ms Nugent introduced this item noting that the paper before the Board was a consolidated submission unlike the paper submitted to the Board in 2019 which focused just on the recurrent grants estimate. A detailed comparator outlining the 2020 estimates submission compared with the proposed 2021 estimates submission will be prepared for consideration by Finance & Governance Committee. The following points were made;

- The importance that the estimates submission was realistic
- The submission does not appear to include a policy element such as the need to address the deterioration in the staff : student ratio. The CEO advised that the HEA would need evidence of the impact that has had on outcomes.

Decision: The estimates submission was approved subject to any further comments the Finance & Governance Committee may wish to make.

7. National Forum for the Enhancement of Teaching and Learning in Higher Education Sustainability Post-2021

7.1 Dr Ramsey noted that the proposed approach was unanimously recommended by the Forum's Board. Members were advised that the Department will need to be consulted in relation contractual matters.

Decision: Members agreed the HEA Executive should begin a process to formally integrate the National Forum under the auspices of HEA in accordance with the proposed approach tabled.

8. GDPR – Report from the Data Protection Officer

8.1 Mr McKenna in his presentation to the Board focused on the following;

- Key milestones since July 2019 when Mazars completed its gap analysis
- Key achievements, that included staff training and awareness, contracts with HEIs, data protection artefacts and the putting in place of governance structures
- Data compliance status – he noted that the HEA's compliance was broadly in line with other similar sized state bodies. Key areas to be addressed were HEA record retention and lawfulness of capacity. He noted that the HEA has now recruited a new member of staff who will be able to progress record retention in the HEA and that new legislation is planned for the HEA.

8.2 The following issues were raised by members;

- Is data protection included in the staff manual? Mr Mellett advised that there was a dedicated section on data protection on the staff intranet pages. All staff contracts issued from 2020 include a staff privacy notice.
- Should the Board be reassured with the low level of reported data breaches? Mr McKenna advised that yes, there was a good deal of awareness within the organisation.
- Were there particular areas the HEA should request in new legislation to enhance the HEA's ability to collect and process data. Mr McKenna noted the 1971 Act was quite broad, new legislation would strengthen the HEA's capacity, ideally with the provision for the Minister to specify the data that may be collected through statutory instruments.

Decision: The Chair thanked Mr McKenna for his presentation and noted that the HEA may seek further advice from Mazars in relation to planned new legislation for the HEA.

9. Provision of Auditing Services to the HEA

Decision: Members approved the appointment of Mazars as the framework provider of Auditing Services to the HEA and approved BDO Ireland as the alternative provider in the event of Mazars being unable to undertake the work for whatever reason including, but not limited to, conflict of interest, capacity or inability to meet timescales.

10. Report of Corporate Governance Review Implementation Group

10.1 Members considered all the recommendations of the Implementation Group. It was noted that each Committee would review its own terms of reference. Ms Nugent will coordinate this task. Membership of a number of the standing committees will need to be reviewed having regard to the recommendation that no committee should have more than 4 or 5 Board members. The Chair will review with Mr. Mellett the current membership and may, if necessary, write to members requesting that some step down from one of the Committees.

Decision: Members approved the implementation group's recommendations.

11. Members only

11.1 Covid Document

Further discussion took place on this item (as in 4 above). Dr Ronan Lyons was asked by the Board to draft something that might have a different approach to the current document. Dr Lyons agreed to take this on.

11.2 CEO Review

Following lengthy discussion, it was agreed that the CEO review process should be a one-on-one process between the Chair and CEO. It was agreed that the Review Group was no longer required. In the meantime, Ms Siobhan Browne would be asked to develop a process for consideration that would eventually become the HEA CEO Review Process.

Next Meeting

8th September 2020

Chairperson

Date