

Higher Education Authority**Report of 416th Meeting held on 27th July via teleconference**

Present: Ms Clare Austick (agenda items 1-10)
Dr Bahram Bekhradnia (agenda items 1-10)
Mr Tony Donohoe (agenda items 1-10)
Dr Judith Eaton (agenda items 1-10)
Professor Orla Feely, Deputy Chair (agenda items 1-10)
Dr Sharon Feeney (agenda items 1-10)
Mr Michael Horgan, Chairperson (agenda items 1-9)
Ms Darina Kneafsey (agenda items 1-9)
Dr Ronan Lyons (agenda items 1-8)
Dr Jim Mountjoy (agenda items 1-9)
Dr Sinéad O’Flanagan (agenda items 1-9)
Mr Pól Ó Móráin (agenda items 1-9)
Dr John Wall (agenda items 1-9)

Apologies: Dr Deirdre Lillis
Dr Lynn Ramsey

In attendance: Dr Alan Wall (agenda items 1-10.1)
Ms Orla Nugent (agenda items 1-9)
Mr Padraic Mellett (agenda items 1-9)
Mr Tim Conlon (agenda items 1-9)
Ms Caitriona Ryan (agenda items 1-9)
Ms Pearl Cunningham (agenda items 1-9)
Mr Peter Brown (agenda items 1-9)
Dr Raasay Jones (agenda item 2)
Dr Louise Callinan (agenda item 3.3)

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.

Quorum

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

Disclosures

The Chair advised the Board he had been invited to chair the Board of Uiversity, a Registered Charity that grants Higher Education Scholarships to Adult Learners. He did not envisage any conflicts of interest with his work on the HEA Board, any members who may have a concern were requested to contact the Secretary to the Board.

1. Report of 414th Board meeting

1.1 The minutes were approved.

2. Matters arising

2.1 Members considered a memorandum prepared by the Irish Research Council in relation to an error in the 2021 Government of Ireland Postgraduate Awards process. This matter had been the subject of discussion at the last Board meeting (as part of the report of the Finance & Governance Committee). The Chair advised that he had discussed the matter with the Chair of the IRC who confirmed that the recommendations outlined in the memorandum were endorsed by the Council. He also requested the Audit and Risk Committee consider the extent to which the HEA was exposed to similar risks elsewhere arising from human error in the use of spreadsheets. In reaching a decision on this issue it was important the Board could demonstrate it considered all possible options. Accordingly, he requested that legal advice be secured on the risks facing the HEA/IRC were the IRC to withdraw funding after year one of the award. The following points were made by Members;

- Mistakes can happen, the key consideration is what steps are taken once the error is discovered.
- It would be extraordinary to withdraw funding after year one unless there were compelling reasons to do so. It would be unfair to punish the researchers concerned.
- Will this have an impact on the level of funding available for other programmes?

2.2 Mr Brown commented that the Council Executive work very hard to ensure that such errors do not happen and fully accept that it should not have happened. The Executive have taken steps to ensure such errors do not reoccur. He confirmed the error may impact on the level of funding available for other programmes such as New Foundations and COALESCE. He noted there may be savings elsewhere arising from early terminations which may serve to ameliorate the potential negative impact on other programmes. He outlined the advice he received from Eversheds Sutherland. The HEA would be open to legal challenge for a breach of the GOI PG programme terms and conditions were it to withdraw funding after

one year. Accordingly, the making of five additional awards was the least risky option.

Decision: Members agreed the recommendation of the IRC Council and Executive that the five awards be approved at a cost of €468k over five years.

3. Committee Reports

Finance and Governance

3.1 The Chair introduced the Committee's report. The Committee made three funding recommendations.

3.2 IRC programmes outcome (UK-Ireland Collaboration in Digital Humanities Research Grants; Technological Sector Postgraduate Awards Funding)

Decision: Members approved the making of 11 UK-Ireland awards by the Council subject to a maximum IRC contribution for each project of €270k. This is to be funded from an envelope of €2.7m available to the Council.

3.3 *Fund for Students with Disabilities Contingency Fund Call 2*

Decision: Members approved the provision of €525,000 from the Fund for Students with Disabilities Contingency Fund to HEIs participating in the fund.

3.4 Multi-campus allocation

Decision: Members approved the allocation of €900,000 to six HEIs in respect of six regional campuses.

Members were advised that the Minister has announced a funding package for HEIs to reopen safely. It will be necessary for the HEA to provide provisional allocations promptly to allow them plan and procure. The Chair advised that a meeting of the Committee or Board can be arranged at short notice, if necessary, or alternatively a decision can be approved electronically.

Decision: Members approved Committee's report.

Policy and Strategic Planning Committee

3.5 Ms Kneafsey introduced the Committee's report. She advised that the Committee had received an update from the Access Policy section on the new National Access Plan consultation process as well as developments in relation to the HEA's legislation. She requested updates on the review of the Committee terms of reference and publication of reports approved at the Board's last meeting.

The Chair advised that he has spoken to the Executive in relation to the terms of reference and it is hoped to bring these for approval to the September Board meeting.

In relation to a number of reports due for publication, Members were advised it would be preferable to delay publication until September when they will receive better media coverage and so as not to interfere with the CAO process. It was agreed to request the Statistics Unit to arrange the publication of the reports at the earliest most appropriate date.

3.6 Strategic Alignment of Teaching and Learning Enhancement (SATLE) Funding

Decision: Members agreed that SATLE funding be allocated on a multiannual basis from 2021, with continued oversight from the National Forum.

Decision: Members approved the Committee's report.

System Development and Performance Management Committee

3.7 Mr Donohoe introduced the Committee's report noting there were two substantive decision items for the Board. He advised that that the strategic dialogue meetings with each HEI have now been completed. A paper outlining the key issues emerging from the meetings will be presented to the Board at its September meeting. The Committee welcomed the fact that the new legislation will give legal underpinning to the strategic dialogue process. The Committee received an update on the TU applications from CUA and TUSEI.

3.8 Performance Funding 2021 allocations

Mr Donohoe outlined the process for the award of performance funding in 2021. It was agreed to limit the number of awards this year to five so that the level of funding awarded would be more impactful. Each institution was requested to submit just one case study, altogether twenty one case studies were received. They were assessed by a panel of eight experts. The Committee noted the panel's recommendations and requested the Executive to incorporate a brief summary of each case study into a paper prepared for the Board.

Decision: Members approved the allocation of €1m each to IT Carlow, MTU, NUIG, Technological University of the Shannon: Midlands Midwest and UCC.

3.9 TUTF - Year 2 allocations

Mr Donohoe noted the Committee considered the process for the second year allocation of this three year €90m programme. It was noted that provision has been made for HEA administration costs to support implementation of the fund. The CEO noted that it would be preferable if the HEA's core grant was increased to enable it to have sufficient staff to manage its programme of work. However, in the absence of this the HEA will need to secure additional staff funded through top-slices.

Decision: Members approved the allocation of €25.665m as follows;

Institution	Allocation - €m
CUA	€4.220m
MTU	€4.550m
TU Dublin	€5.220m
Technological University of the Shannon: Midlands Midwest	€5.900m
TUSE	€5.330m
OECD Study/HEA overheads	€0.265m

5. Role of the HEA vis a vis the Irish Research Council

5.1 The Chair introduced this item noting the legal advice confirmed the need for the HEA to formalise its oversight of the Council. He noted the need for a letter, in advance of new legislation, from the Department clarifying the responsibilities of the HEA vis a vis the Council.

5.2 The following issues were raised;

- Concern was expressed as to who would be responsible for the Council's strategy, the proposal that there be a dotted line reporting to the Department in respect of certain matters might be problematic.
- Consideration should be given to the arrangement with the National Teaching and Learning Forum whereby the HEA would appoint a number of members to the Council. Another option would be to invite the Council chair attend the HEA Board meetings.
- The legal advice does not address the standing of the current Council whose members may feel undermined if the IRC becomes a sub-committee of the HEA. The Minister in 2012 originally envisaged the Council having a wider advisory role. It was noted that the Minister's letter of March 2012 did not have any legal underpinning.

- Clarity was required as to the implications of the Council being independent in its funding decisions.
- Ultimately the new legislation may provide greater clarity.

5.3 The Chair acknowledged the need for sensitivity as regards the standing of the existing Council. Ultimately what was required was clarity in relation to the respective roles of the HEA and the Council having regard to the need of the HEA to operate to the highest standards of governance. While historically the Council has tended not to deal with funding matters, this should change just as HEA Committee's such as SDPM and Finance & Governance consider and recommend on funding allocations.

Decision: It was agreed that the CEO would seek the necessary clarity from DFHERIS after which the HEA will engage with Council Members and its Executive.

6. Pension Appeals Committee

Decision: Members agreed the following;

- (1) The Board will continue appoint the members to the Pensions Appeals Committee
- (2) The Board will continue to delegate to the Committee its statutory function to recommend approval or not of pension appeals.
- (3) Minutes of the Committee, outlining decisions on pension appeals will be submitted to the Board for their approval.
- (4) The HEA should seek to have the provisions of the Universities Act dealing with the role of the HEA in relation to pension appeals amended in forthcoming HEA legislation.

7. Schedule of Board Meetings

Decision: Members approved the schedule of dates for 2021/22 noting the current Board may not be in place to July 2022.

8. Erasmus+ 2021/22 Key Action 131 Funding Allocation

Decision: Members noted the allocation of €9,296,430 in respect of Erasmus+ 2021/22 Key Action 131 programme.

9. Executive Report

The following issues were raised;

- Timeframe for new legislation. The CEO referred to the answer given by the Department's official at the recent meeting of the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science. The Department is waiting for the Committee to issue its report on the legislation before it meets the Board, that may now be October. He in the meantime continues to engage with the Department's Secretary-General and officials. He will be discussing the research provisions with Mr Conlon this week. Mr. Brown reported that the possibility of separate legislation on HE research was mentioned at a recent meeting of the Oireachtas Committee.
- Staff turnover in the HEA. It was clarified that this data is provided in the HR metrics. To date four staff have left this year.
- Covid funding audits. It is hoped these can be finalised within the next two weeks. The HEA has agreed to submit the audit reports to the PAC.
- Protected disclosures. The CEO advised there are c. 10 in total, of which 3 are of some concern. While a number may not fall under the provisions of the Protected Disclosures Act, there is nothing to prevent issues being raised with the HEA.
- IT ransomware training, should this be mandatory? Members were advised that IT Security Awareness training provided by HEAnet in Q4 2020/Q1 2021 was mandatory. The Executive will insure in future that all IT security training will be mandatory.
- Reference was made to a national risk assessment being carried out by the Department of the Taoiseach. It was important that risks associated with higher education – funding arising from demographic growth – are not overlooked in this exercise.
- Work on Ethnicity and Anti-Racism. Mr Conlon briefed members on the survey carried out. The results are currently being assessed and it is hoped to submit the findings to the Board in September.
- International Education Strategy. Members were advised that there have been no new developments. A number of institutions has requested additional funding to assist with the recruitment of international students.

10. Members Only

10.1 Committee membership and Chairs

The Chair noted that a new term of membership of the Authority had commenced from July 27th 2021. Accordingly, it was appropriate to review the committee membership and bring it into line with the recommendations of the Governance Ireland review. In addition a number of committee chairs were vacant and required selection also. The Chair agreed to write to all members inviting them to indicate their preferences and also expressions of interest in chairing committees.

10.2 Functions of Committees

Members felt it would be timely to review the functions of the various committees, given the advent of the new legislation and also the legal advice on the IRC relationship with the HEA.

10.3 Note of Appreciation

The Chair thanked all Board members for their contributions over the previous term and especially thanked those who had chaired the Standing Committees and Forum.

Next Meeting

7th September 2021

Chairperson

Date