

## Higher Education Authority

### Report of 423<sup>rd</sup> Meeting held on 14<sup>th</sup> June 2022 in 3 Shelbourne Buildings, Dublin 4

- Present:
- Ms Clare Austick (agenda items 1-12)
  - Mr Tony Donohoe (agenda items 1-12)
  - Dr Judith Eaton via MS Teams (agenda items 1-12)
  - Professor Orla Feely, Deputy Chair (agenda items 1-12)
  - Mr Michael Horgan, Chairperson (agenda items 1-12)
  - Ms Darina Kneafsey (agenda items 1-12)
  - Dr Sinéad O’Flanagan (agenda items 1-12)
  - Mr Pól Ó Móráin (agenda items 1-12)
  - Dr Lynn Ramsey via MS Teams (agenda items 1-12)
  - Dr John Wall via MS Teams (agenda items 1-12)
- Apologies:
- Dr Bahram Bekhradnia
  - Dr Sharon Feeney
  - Dr Ronan Lyons
  - Dr Jim Mountjoy
  - Dr Alan Wall
- In attendance:
- Ms Beth Reilly (items 1-12)
  - Ms Orla Nugent (items 1-11)
  - Mr Padraic Mellett (agenda items 1-11)
  - Mr Tim Conlon (agenda items 1-11)
  - Ms Pearl Cunningham (agenda items 1-11)
  - Dr Vivienne Patterson (agenda items 1-11)
  - Mr Ciaran McCaffrey (agenda items 1-11)
  - Ms Eilis Noonan (agenda items 1-11)
  - Mr. Colin Cooper (agenda items 1-11)
  - Dr Aileen Marron (agenda item 8)

#### 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 disclosed.

#### Quorum

The quorum for HEA Board meetings, six members, was met. The Chair asked Mr. Mellett to double check the quorum set out in the new HEA legislation.

#### 1. Report of 422<sup>nd</sup> Board meeting

The Chair thanked the Deputy Chair for chairing last meeting and apologised for the change of date and confusion around same.

1.1 The minutes were approved subject to minor amendments to Section 3.5.3, amending “Dr Wall “to “the CEO” to avoid confusion.

Mr. Mellett reminded the Board that Board minutes are posted on the HEA website every 6 months.

## **2. Matters arising**

2.1 With reference to item 3.2.3 of the minutes, the Chair provided an update on the suggested action. He has asked the CEO to meet with the author of the flyer instead of issuing a written communication.

## **3. Committee Reports**

### **3.0 Audit and Risk Committee**

3.0.1 In the unavoidable absence of the chair of the A&R committee, Mr. Mellett introduced the Committee’s report.

#### *3.0.2 2022 Internal Audit Workplan*

Discussions are ongoing with EU Commission as to whether the Erasmus review needs to be conducted annually. The International Section is to confirm decision of EU Commission once available. The Committee agreed that Risk Management would be the focus of the general review scheduled for Q4.

Members enquired why Erasmus+ might be excluded from the internal audit workplan? Mr Mellett noted that Erasmus is included in reviews undertaken as part of the internal Audit Work Programme including the System of Internal Controls. It is also covered by the C&AG audit and EU audits arranged by the National Authority (DFHERIS). As with all funding programmes, it can be subject to a specific internal audit as was the case in 2021. The question is whether a specific internal audit review is necessary every year. Mr Conlon noted this program currently has one of the most detailed oversight processes, but, there could be an overlap in audit requirements.

#### *3.0.3 Risk Management*

The Risk Registers and Risk Appetite Statement were reviewed. No changes were made to the risk appetite statement. The Committee recommended the updated Corporate Risk register be reviewed by the Board at a future meeting. The Chair suggested that it should come to the Board twice a year, possibly to the September and March meetings.

#### *3.0.4 IT Security updates*

The Committee recommended that 5 new IT policies be approved by the Board. Additional policies will follow as part of a full suite in due course.

The Board noted that the ARC received a presentation from HEAnet who carried out a review of HEA IT security during 2021 and the Head of IT Colin Cooper outlined new cybersecurity plans.

### *3.0.5 2022 Energy Audit Report*

The ARC received an Energy Audit Report arranged by the Executive. Members were advised that the Executive will engage with the landlord on a number of the recommendations. The Executive should have regard to any obligations on the landlord in these discussions.

**Decision:** The Board approved the following IT Security policies;

- IT acceptable usage policy
- Data destruction policy
- Encryption policy
- Comms room security policy
- IT remote access policy

The Board noted the Committee's report.

## **3.1 Finance and Governance Committee**

3.1.0 Dr O'Flanagan introduced the Committee's report.

### *3.1.1 IRC Funding Commitments*

#### *COALASCE*

The Committee recommended approval of the funding commitment under the COALESCE scheme. The IRC commitment to funding is €2.29m for up to 15 awards.

#### *Laureate*

The Committee recommended approval of the funding commitment under the Laureate 2022 Starting and Consolidator awards scheme. The maximum funding envelope is €24m spread over 48 awards in the range of €250k to €600k. Funding will be awarded following a rigorous peer review process under the two different funding award streams.

#### *Ulysses*

The Committee recommended approval of the funding commitment under the Ulysses scheme. The IRC aims to make 20 awards up to the maximum funding envelope of €50k in total.

### *Ukraine Support*

The Committee recommended approval of the funding commitment to provide for a ring-fenced support fund for Ukrainian researchers for 2022-23.

It was noted that a central helpdesk has been established in Maynooth University coordinate activities. Fund will support mechanism within existing budgets- open to principal investigators. More permanent structure in place for scholars at risk around the world is being considered. It was requested that any longer term future initiatives would come before the Committee.

**Decision:** The Board approved the following IRC funding commitments;

1. A funding commitment of €2.29m under the COALESCE scheme
2. A funding commitment under the Laureate 2022 Starting and Consolidator awards scheme - maximum funding envelope is €24m
3. A funding commitment of €50k in respect of Ulysses scheme
4. A funding commitment to provide for a ring-fenced support fund for Ukrainian researchers for 2022-23

#### *3.1.2 COVID Support Funding*

The Committee was briefed on the Mazars audit of 2021 Covid Support Funding provided for 2020/21. It was noted that the quality of claims submitted was high , and there was potential to use this model for other funding streams.

**Decision:** The Board approved the final allocation of €3.9m for 2021 COVID Support 2020/21.

#### *3.1.3 Landscape Funding*

The Committee was advised that the following institutions have an unspent balance: TUS, SETU, DKIT, LYIT, UL/MIC/TUS (formerly Shannon Consortium), and NUIG/St. Angela's. The HEIs have been asked for a project plan outlining how they intend to use the unspent balance, and project end dates have been identified.

**Decision:** The Board approved the allocation of the unspent balances as set out in memorandum F 28/22.

#### *3.1.4 National Recovery and Resilience Plan*

The Finance and Governance Committee noted the allocation of €18.81m in National Recovery and Resilience Plan Funding to support teaching and learning reforms in the technological sector.

Members enquired how will we measure output of those? Mr Conlon indicated there are a specific requirements set out by Commission. These included;

- Number of staff upskilled
- Number of students benefitting from enhanced teaching and learning measures

The planned suite of initiatives includes measures that address priorities identified by the National Forum including education for sustainable development, digital transformation and academic integrity.

Members noted the importance of the Teaching and Learning Forum being consulted on this programme.

### *3.1.5 Report on 2022 Budget & Accountability Meetings*

The Committee considered Memorandum F30/22 and the Report on 2022 Budget and Accountability Meetings – Higher Education Institutions. The Report provides an update on the financial health of the HEA publicly funded higher education institutions based on an analysis of budget submissions and a review of their draft 2020/21 financial statements. It also provides details of the main issues arising across the sector, key institutional risks and a summary of their financial projections together with individual dashboards for each institution.

The Committee agreed that the Board should consider writing to the Minister outlining key issues including, Employment Control Framework and lack of flexibility to manage staffing , student accommodation pressures, and the need for additional capital investment.

The following issues were discussed;

- Should the issue of cost of living and the lack of student accommodation be linked with emerging information on student engagement and dropout rates? Similar pattern in UK analyses with cost of living.
- The €307 million future funding announced by Minister- how much of this is likely to be made available in 2023? Ms Cunningham reported on discussions with the Department. The Department has signalled very significant fiscal constraints with rising inflation, impact of Ukrainian crisis and housing shortages.
- Members asked for an explanation as to why the figure announced by the Minister differed from the HEA's calculations. Ms Cunningham indicated that the HEA's estimate of €450m was based on a comparison of funding provided per student in 2008 vs current funding adjusted by inflation and excluded funding for strategic initiatives. Ms. Cunningham confirmed that the Department were provided with these details .
- Role of HEA in terms of capital investment was discussed. Governing Authority of HEIs are ultimately responsible for their capital projects. The HEA is responsible for monitoring and reporting projects funded by the HEA.

Members thanked the HEA Executive for this report.

**Decision** Members agreed that HEA Executive draft a letter to the Minister for board approval.

Members noted the Committee's report.

### **3.2 Pension Appeals Committee**

Dr John Wall gave an update from this Committee. Mr. Mellett advised he has had preliminary discussions with the Department of Education's Pensions Unit on issues raised by the Committee. Once a response has been received a meeting of the Committee will be convened. Mr Mellett also advised that he has spoken to DFHERIS in relation to the role of the HEA as regards Pensions Appeals and if this could be reviewed in the context of the new legislation.

### **4. HEA Capital Programmes 2022 – Memorandum A 21/22 attached**

4.1 Mr. Mc Caffrey from the HEA Capital Programmes Unit (CPU) presented a report on the work of the Unit, intended to provide a high-level update of the work of the CPU over the course of the latest reporting period.

A total of circa €74m in Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) capital funding was disbursed to approved capital projects by the HEA in 2021. The DFHERIS have advised the HEA that an allocation of circa. €135m in capital funding has been made available for approved capital projects in 2022, with work underway by the HEA to disburse this funding as required.

He highlighted the challenges caused by Covid-19, volatility of the market and delays with construction. He reported that the HEA collects information from the HEIs on progress of approved capital projects and populates dashboards for KPIs. The CPU is currently working on Q2 2022 reports.

4.2 The following issues were raised;

- Has the issue of financial penalty in procurement for institutions, seen in the UK in the medical sector, arisen for HEIs? Mr McCaffrey advised that this is something that has been widely discussed with institutions. The NDFA have managed this across numerous sectors, they have learned a lot from this experience and have amended this for the Irish sector. All issues are outlined in very detailed agreements between parties.
- Has the issue of the timing of the devolved grant been resolved? Members were advised that the CPU now issues its letter earlier detailing the amount of devolved grant available to the HEI. The category of projects that can be funded under the devolved grant has been widened.

- The extent to which the devolved grant is spent on Health and Safety remedial work? Mr McCaffrey noted that expenditure on building compliance and improving the condition of a building were amongst the largest categories of expenditure under the devolved grant scheme.
- Is EU funding available for the Energy Efficiency and Decarbonisation Pathfinder Programme? Mr McCaffrey indicated that funding from the EU is not currently available, these projects are currently 50% DFHERIS funded and 50% SEAI funded.
- The status of funding of the DKIT North and South Refurbishment Project. Mr McCaffrey noted that the Institute has drawn significantly on available exchequer funding and any further work will, to a significant extent, have to be funded through own resources.
- How is delivery of apprenticeship joint projects with Solas progressing? Members were advised that the HEA are engaging well with colleagues in Solas, joint submissions are now required in respect of apprenticeship capital projects.
- CPU staffing, members noted that there are currently six vacant posts, the labour market for such posts is very tight. In the meantime the importance of the CPU prioritising its work programme against available resources was noted.

Members commended the CPU on the report.

#### **5. ATU Governing Body – Memorandum A 22/22 attached**

Members were requested to approve the competencies required for the selection of up to 8 external members of the Atlantic Technological University (ATU) Governing Body in accordance with the Technological Universities Act 2018.

The following changes were suggested;

- Rather than combine 'Finance and Risk', risk management should be a separate criteria
- Experience in mergers and change management should be a requirement rather than desirable
- Expertise in widening participation and advice on the opportunities for technologically enhanced provision in a geographically dispersed region

**Decision:** Members approved the criteria subject to the above points.

#### **6. National Open Research Forum – Memorandum A 23/22 attached**

The Board were asked to note the memorandum on the National Action Plan for Open Research. Mr. Conlon presented to the Board on the memorandum.

The National Open Research Forum (NORF) was set up in 2017 to drive Ireland's open research agenda and is co-chaired by the HEA & HRB. The Forum works collaboratively on a national level with the Irish research community to identify areas that need to be addressed

to enable Ireland's successful transition to an open research environment. Ireland is ahead of the curve in terms of open research in the EU.

The following issues were discussed;

- Has agreement been reached with research publishers? Members were advised that this is still being negotiated at a national level, one of the key actions in the plan is achieving 100% open access to research publications by 2030. Internationally the most prestigious research journals remain uncommitted.
- Does the copyright remain with the publisher? Actions include plans to conduct a legal assessment of ways to support Irish researchers retain their rights and make their work open access immediately. This may include introducing secondary rights retention into Irish copyright legislation.
- This is an opportunity to demonstrate improved research outputs and can highlight the success of the transformation of the model from pay to read to pay to publish.
- Costs of data management and development of appropriate infrastructure remain an issue.
- Discussion around merging of SFI and IRC in this context

#### **7. Proposed sponsorship Conradh Na Gaeilge – Memorandum A 24/22 attached**

The Board were asked to approve the proposal to support an Irish language promotion initiative, the "Gníomhaí Gaeilge", with Conradh na Gaeilge and the USI.

Conradh na Gaeilge and the USI have been working to develop, strengthen and increase the number of Irish Language Societies and the Irish Language Officers in third-level colleges since 1998. This initiative, entitled "Gníomhaí Gaeilge" (Irish Language Activist), is designed to promote greater use of the Irish language in Higher Education by organising different projects, events, and campaigns.

The budget required for this initiative will involve the following funding profile schedule:

Year 1: Gníomhaí Gaeilge Scheme 2022-23 - €50,000

Year 2: Gníomhaí Gaeilge Scheme 2023-24 - €50,000

Year 3: Gníomhaí Gaeilge Scheme 2024-25 - €50,000

The total HEA sponsorship allocation over the period 2022-2025 will therefore amount to €150,000.

**Decision:** Members approved the sponsorship.

#### **8. Erasmus + Programme – Memorandum A 25/22 attached**

Dr Aileen Marron, Programme Manager for Erasmus+, gave an update regarding the Key Action 131 Funding Allocation for Erasmus+. The Erasmus+ Contribution Agreement for



2022 from the European Commission indicates a budget breakdown as follows. The budget can be expended over 24 months.

Amount per contribution agreement	€18,813,293
Management costs	€502,536
Amount for grant support	€18,310,757
KA 131 - mobility projects for students and staff	€14,368,465
KA 220 - cooperation projects	€1,240,482
KA 171 - international credit mobility	€2,701,810

Members raised the following queries;

- Why does per student allocation vary per institution? Dr Marron advised that it is a performance based allocation based on the number and duration of mobilities.
- It was confirmed all institutions who sought funding received an allocation. One HEI was late and the HEA is working with that institution to ensure its students were not disadvantaged.
- Shorter-term blended programs will be very welcome in terms of access. Are the different kinds of programs capped, to what extent are we including this in wider HEA inclusion of access programs? Members were advised that each institution received funding for 1 blended intensive program. The EU Commission have also increased funding for students who fall under the definition “limited opportunities”.
- Is there provision to support refugees from other countries in the context of the extension of eligibility for Erasmus + funding to those fleeing the war in Ukraine? At the moment, the Commission have just extended this eligibility to Ukrainian refugees.

## **9. HEA Governance – meetings for remainder of 2022– Memorandum A 26/22 attached**

9.1 Mr Mellett advised that a full schedule including standing committee meetings will be circulated at the July meeting.

**Decision:** The schedule of Board meetings for the remainder of 2022 were agreed.

## **10. HEA Governance – Membership of Standing Committees – Memorandum A 27/22 attached**

10.1 The Chair indicated the new legislation provided for Board members to be appointed for a full four year term and a shorter two year term. The total number of members under the new Act will be 12, this is the number of members the Board will have after Dr Bekhradnia and Dr Mountjoy’s terms expire on 19<sup>th</sup> June. He anticipated accordingly that some of the current members may be reappointed for a shorter term. Members were advised that the Executive will seek legal advice on the updated Board duties under the new

legislation once it is passed, it will then be in a position to consider structure of new Committees.

**Decision:** Members approved the revised quorum arrangements for committee meetings and the schedule of committee membership, noting that Ms Anne Brady was also an external member of the Finance Committee and the USI VP for Postgraduate Affairs served on the RGE Committee.

## 11. Executive Report – Memorandum A 28/22

The following issues noted;

- Updated cybersecurity plans presented by Head of IT,
- Retention and recruitment of staff is a significant issue, some teams are at 50% capacity
- Plans for acquisition of addition floor for HEA offices, the Board agreed the Department should be pressed for a prompt decision on the HEA's request. The HEA has made the Landlord aware of its interest in an additional floor, however the HEA cannot enter into negotiation without Department confirmation.
- Report on Protected Disclosures to be published by HEA in June.
- An update on engagement with THEA was requested: members were advised that THEA is playing a key role on the NRRP Programme.
- **2023 Estimates**  
Ms Nugent advised the Department has requested the HEA to submit its 2023 estimates. The HEA Executive is preparing a memo to go to the next Finance & Governance Committee meeting on the Estimates for 2023. The timeframe will not allow for board discussion ahead of submission and it was agreed that this is delegated to the Finance & Governance Committee. It may be necessary to submit draft Estimates to the Department in advance of the Committee's meeting. This meeting is scheduled for the 28<sup>th</sup> of June. The Department noted that additional funding available in 2023 is expected to be limited given rising inflation, slowed economic recovery after a costly lockdown period and general uncertainty. Government priorities in Budget 2023 are expected to be: Ukraine, the unwinding of Covid related labour market policies, Covid impacts on the healthcare sector and Cost of living. Additional funding requests should be aligned to Future Funding, Cost of Living or Skills.

**Decision:** Members agreed that the Finance and Governance Committee could approve the HEA 2023 estimates submission and report to the July Board meeting.

- The HEA should explore the learnings from digital provision, the experience of large US corporations may be informative. It was noted that the National Forum has carried out some research on the Irish HE experience.

- HEI conference- Executive hoping to align this event with HEA 50<sup>th</sup> Anniversary events later on in the year. HCI- specific events also being planned, the Skills & Engagement Unit is working on schedule of events to bring projects together and discuss learnings and outcomes. The HEA is liaising with QQI who are planning events in October to mark their 10<sup>th</sup> anniversary.
- Proposals relating to the HEA's membership of the CAO and HEAnet Boards will be brought to the July Board meeting.
- An update was provided on the proposed TU roundtable. Members were advised that funding for a TU leadership programme will be sought as part of the 2023 estimates.
- Ms Nugent advised that she planned to convene a meeting of the HEA's Transformation Committee shortly.

The Chair thanked Clare Austick on behalf of the HEA for her work on the Board over the last two years and wished her all the best for the future. The Board congratulated Ms Beth Reilly on her election as President of the USI and welcomed her to her first meeting of the Authority.

## **12. Members only**

### **12.1. Retention of Talent**

The Board highlight the risks associated with certain positions within the Authority and that they could be considered a single point of failure. The Board recommended that vacancies be treated with the highest priority and that development and designation of 'second in command' be expedited.

The policy on remote working may be a barrier to attracting staff. The Board recommended a more flexible approach, while using contracts of employment to protect against 'custom & practice' claims in the future.

### **12.2 Skills and Further Education**

The Board encouraged the Executive to develop a greater level of involvement in these areas, as they are likely to be the future of Tertiary Education. The HEA should be leading developments in apprenticeships, new directions in competency based qualifications and other new approaches emanating from the NFTL.

## **Next Meeting**

Tuesday 19<sup>th</sup> July 2022

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Chairperson

Date