

## Higher Education Authority

### Report of 410<sup>th</sup> Meeting held on 20<sup>th</sup> October 2020 via teleconference

Present: Mr Tony Donohoe (agenda items 1-12)  
Dr Bahram Bekhradnia (agenda items 1-12)  
Dr Judith Eaton (agenda items 1-12)  
Professor Orla Feely, Deputy Chair (agenda items 3, 7, 11-12)  
Dr Sharon Feeney (agenda items 1-12)  
Ms Lorna Fitzpatrick (agenda items 1-12)  
Mr Michael Horgan, Chairperson (agenda items 1-12)  
Ms Darina Kneafsey (agenda items 1-12)  
Dr Deirdre Lillis (agenda items 1-12)  
Dr Ronan Lyons (agenda items 1-12)  
Dr Jim Mountjoy (agenda items 1-12)  
Dr Sinéad O’Flanagan (agenda items 1-12)  
Mr Pól Ó Móráin (agenda items 1-12)  
Dr Lynn Ramsey (agenda items 1-12)  
Dr John Wall (agenda items 1-12)

In attendance: Dr Alan Wall (agenda items 1-12.1)  
Ms Orla Nugent (agenda items 1-11)  
Mr Padraic Mellett (agenda items 1-11)  
Mr Tim Conlon (agenda items 1-11)  
Ms Caitriona Ryan (agenda items 1-11)  
Ms Pearl Cunningham (agenda items 1-11)  
Dr Vivienne Patterson (agenda items 1-11)  
Mr Peter Brown (agenda items 1-11)

#### 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. Dr John Wall indicated he would recuse himself on any discussion relating to the IT Carlow’s proposed purchase of a Wexford Campus (section 1.8 of the Executive Report). Mr Donohoe, Dr Feeney and Dr Lillis recused themselves from discussions on HCI Pillar 3 discussed under the Executive report.

#### Quorum

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

## Disclosures

No disclosures were raised

### 1. Report of 409<sup>th</sup> Meeting held 8<sup>th</sup> September 2020

1.1 The minutes were approved subjected to typo corrections to paragraphs 3.1 and 4.2.

### 2. Matters arising

2.1 The Chair advised members that he was contacted by the former CEO, Mr Paul O'Toole who advised him that he had accepted an invitation to join the Governing Body of Maynooth University. Mr Mellett advised that the HEA's Code of Conduct for Employees has provision in relation to post employment appointments but this only applies for a 12 month period following the end of their employment with the HEA. Mr O'Toole's contract with the HEA ended in October 2019. The Board wished Mr O'Toole well in his new appointment.

2.2 Mr Donohoe noted that the Government has just published an extensive legislative programme for the forthcoming term. Given the length of the programme, he did not think new legislation for the HEA would be enacted before the term of most members expire next July. The Chair suggested the HEA continue to engage with the Department on the proposed legislation.

### 3. Executive Report

3.1 Members were updated on a number of developments;

- DkIT Technological University plans
- The TURN working group will be meeting before the year end to consider a number of policy issues.
- TUTF – HEIs have now been advised of their allocations
- Rolling Review Report (Pay, Pensions, Travel, Subsistence and Leave) prepared by Deloitte on behalf of the HEA. The CEO advised that a number of issues need to be clarified before the report is published. If there are any material changes to the report, it will be circulated to members in advance.
- Will next year's SRS be different having regard to the anticipated increase in on-line provision. Dr Patterson did not anticipate any difficulties noting the SRS already captures data on on-line learning. However, any changes to the SRS to capture new modes of learning would take one year to implement, having regard to the need for HEIs to plan the collection of this new data set.

She added that the Executive will be monitoring progression levels having regard to the increase in on-line provision.

- Is the funding provided for the 2250 additional students sufficient? The CEO advised that €20m will be provided for each of the next four years. A small number of HEIs have identified specific additional costs arising from particular courses. He was satisfied that the €20m being provided will be sufficient for the additional 2250 students.
- Members welcomed the appointment of a new Senior Manager, Communications and looked forward to reviewing the new communications strategy.
- A request was made for a presentation of projects funded under pillar 3 of the Human Capital Initiative.<sup>1</sup>

#### 4. Report of Audit and Risk Committee

4.1 Dr Feeney introduced the Committee's report. She advised that the Committee received a satisfactory report from the internal auditors on the HEA's management of fraud. The Committee also considered proposed changes to the Committee's terms of reference, the Corporate Risk Register and proposed changes to the HEA's banking arrangements. The Committee was also updated on procurement in the HEA and briefed on an IT security project being undertaken by HEAnet. While the Committee was briefed on two new system developments, new Finance System and a Customer Relationship Management System, it was noted that future updates on the procurement of these systems will be under the remit of the Finance and Governance Committee.

##### *4.2 Internal Audit Review on Fraud*

**Decision:** Members noted the internal audit report and management response to its recommendations. The internal auditors recommended;

1. The HEA review and update their Fraud Policy to ensure it is aligned to the best practice guidance
2. That the HEA conduct a test of their fraud response plan to ensure that the procedures as articulated within the plan are adequate and the actions are achievable.
3. That the HEA review and update their Fraud Response Plan to ensure it is compliant to the best practice guidance detailed in the report
4. The HEA document, review and formalise processes for closing bank accounts or amending bank account details for HEA staff, suppliers or HEI institutions or for closing supplier accounts and beneficiaries accounts.

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<sup>1</sup> Mr Donohoe, Dr Feeney and Dr Lilli indicated a conflict of interest in relation to HCI pillar 3.

5. The HEA ensures that the practice of completing verification phone calls be documented within the Accounts and Finance Manual.
6. That new supplier accounts are not activated on the Finance System until there is evidence of an appropriately approved new supplier form being completed.
7. The HEA review and update the new supplier form to require a preparer and reviewer to sign off the form prior to the setting up of new supplier accounts
8. The HEA ensure that fraud related training is provided to all Officers with responsibility for the setting up of bank accounts, or making changes to existing bank account details of employees, members, Higher Education Institutions (and other entities in receipt of HEA funding) and suppliers. Training should be recent and evidence of attendance at this training should be recorded

Members approved the following;

- HEA Fraud Policy
- HEA Fraud Response Plan

#### *4.3 HEA Banking Arrangements*

**Decision:** Members approved an increase in the daily limit for AIB IBB payments from €80m to €120m and to add Ms Pearl Cunningham and Mr Liam Ryan to the list of authorised staff who may sign letters to the bank.

**Decision:** Members approved the Committee's report. It was agreed that the Committee's terms of reference will be considered once all Committees have completed their review of their terms of reference.

### **5. Report of the Finance and Governance Committee**

5.1 The Chair introduced the Committee's report. The Committee received updates on the following;

- Review of the Allocation Model for Funding HEIs
- System Governance
- HEI annual governance statements
- Fund for Students with Disabilities – Strategic Initiative Projects funded from underspend
- HEA July 2020 Management accounts
- Allocation Mental Health/Wellbeing
- Committee Terms of Reference – Members are to revert back to the Chair with suggested changes

- 2021 HEI Pension Estimates
- Additional student places provided in 2020/21

5.2 The Committee considered the proposed allocations to consortia from the 2020 Technological Universities Transformation Fund (TUTF). Following the meeting, given the need for an urgent decision, the Chair wrote to all other Board members (who are not F&G members), informing them that the Committee has considered and recommended approval of the funding proposals. Members who responded conveyed their agreement to the proposed allocations.

### 5.3 *HEA Oversight and Financial Monitoring of HEIs*

**Decision:** Members approved the plan for oversight and financial monitoring of the higher education institutions.

### 5.4 *Innovation and Transformation Fund - projects update*

**Decision:** Members agreed to requests by HEIs for project extensions up to the end of 2022.

### 5.5 *THEA Sectoral Leadership Development*

**Decision:** Members approved the extension of funding for THEA's shared institutional research resource and subject to review of the benefits and possible cross sector collaborations, funding to develop a further THEA Senior Executive Leadership programme.

### 5.6 *Multi-campus allocations*

**Decision:** Members approved the proposed funding in respect of the Multi Campus allocation for 2020.

### 5.7 *COVID-19 Support Grant Allocations*

**Decision:** Members approved the proposed funding allocations for frontline response, transition to online and support for back to education costs under the COVID-19 Support Package for higher education institutions.

### 5.8 *COVID-19-related Research Costed Extensions*

**Decision:** Members approved the proposed funding allocations to support institutions in their provision of costed extensions to contract researchers and

research students impacted by COVID-19. The Board also approved the allocation of €1.15m research promotion funding to the Irish Research Council.

5.9 The following issues were raised by members;

- The importance of there being a robust system in place to verify that these allocations are properly accounted for. The CEO advised members that the Executive was conscious that the additional funding needs specific stewardship and control.
- The shortfall in pensions funding for universities. It was confirmed that the Chair would write to the Department (DFHESI) in relation to the inadequacy of funding to meet the pension costs of the universities.
- Will there be a top-slice from these funds to allow the HEA undertake a review of how these funds were spent by the HEIs. Members were advised that there would be top-slices where necessary.
- Are all HEIs solvent to the year end? The CEO advised that the Executive was not aware of issues at this time.

**Decision:** Members approved the Committee's report

## 6. Report of Policy and Strategic Planning Committee

6.1 Ms Kneafsey introduced three reports of meetings held on 28<sup>th</sup> and 31<sup>st</sup> August and 22<sup>nd</sup> September. Some changes to the report held on 31<sup>st</sup> August in relation to the reference to the RGAM (now replaced by RFAM) and Technological Universities will be brought back to the committee. It was noted that it would take a number of years before a view can be made as to whether a new Technological University has successfully met its stated objectives. Ms Kneafsey advised that the minutes of the meeting held 31<sup>st</sup> August will be reviewed at the Committee's next meeting. It was agreed that the draft Indecon Report would be circulated to all members as soon as it is available.

**Decision:** Members approved the Committee's three reports.

## 7. Report of Research and Graduate Education Committee

7.1 The Deputy Chair introduced the Committee's report. The Committee considered COVID 19 funding for research, the new programme for government, forthcoming HEA legislation, the Irish Research Council's Bullying and Harassment policy for researchers and the Committee's terms of reference. In relation to the Committee's term of reference it was noted that there will be a need to consult the other Committees.

7.2 The following issues were raised;

- Is there a need for a separate IRC bullying and harassment policy? Could HEI policies not apply? The Deputy Chair advised that the IRC policy would just apply to recipients of Council awards. This approach was consistent with the approach taken by other research funders. She acknowledged it needed to work in tandem with the local institutional policy having regard to the fact that contracts are concluded between a researcher and the HEI. Mr Brown added that the policy has also been developed having regard to the HEA's consent framework. The Minister had recently raised the issue of a bullying and harassment policy at a recent meeting held with the IRC and SFI.
- It was confirmed that the policy will form part of the terms and conditions applying to Council schemes.

**Decision:** Members approved the Committee's report.

## **8. Report on System Development and Performance Management Committee**

8.1 Mr Donohoe introduced the Committee's report. The key items considered were an Executive self-reflection on the second MTU process and a review of the Committee's terms of reference. A number of issues were considered under the former including the need for clarity as regards the relationship between the HEA and QQI. The Committee noted that the HEA could be dealing with three applications within the next six months and this will need to be carefully planned with the Department. The Committee reviewed its terms of reference and the Governance Ireland recommendations in relation to the standing committees. It was felt that two years was too short a term for membership of the standing committees. Some clarification was required as regards the remit of the various committees.

**Decision:** Members approved the Committee's report.

## **9. Board self-evaluation**

**Decision:** Members approved the self-evaluation survey used in 2018 subject to the addition one additional question as proposed by the Executive.

## **10. Dates for Board meetings in 2021**

**Decision:** Members agreed to have a short, introductory strategy meeting in December (the day before the Board meeting) and the substantive strategy meeting in January or February. It was also agreed to extend an invitation to

Minister Harris to meet the Board, when it is possible to hold meetings in person. The dates for 2021 proposed by the Executive were approved.

## 11. HEA Oversight and Performance Delivery Agreement

11.1 Members considered the draft agreement and made the following observations;

- The agreement appeared to be between the Department and the HEA Executive. Should reference be made to the role of the Board in which case the timeframe for response to certain issues needs to reflect this.
- There seems to be an imbalance as regards the obligations of the HEA as against the Department.
- Clarification was requested whether Departmental approval was required before the HEA promoted staff. The assumption was that the HEA had freedom to make appointments so long as this was within overall agreed framework limits.
- Was the Executive happy with the appendices including the one dealing with capital programmes?
- The agreement should reflect a degree of trust and collegiality between the HEA and Department

11.2 The CEO indicated he had concerns with aspects of the OPDA noting in particular HEA obligations around pensions and capital oversight. He also agreed on the need to reference the role of the Board in the agreement. He agreed the appendices will be carefully reviewed before the agreement is signed. In the meantime, the Board's advice was that he should not agree to the document as currently drafted

**Decision:** Members agreed that the agreement should be redrafted having regard to concerns expressed by both members and the Executive, in particular the need to reflect a degree of trust and collegiality between both organisations.

## 12. Members only session

### 12.1 CEO Review Process

A draft document was circulated to the Board outlining a proposed CEO Review process for the HEA. Members were asked to review the document and submit any comments to the Chair. The matter will be discussed again at the next Members only session.



**Next Meetings**

7<sup>th</sup> and 8<sup>th</sup> December 2020

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Chairperson

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Date