

UNIVERSITY OF BIRMINGHAM

COUNCIL

7th April 2009

MINUTES

Members present: Mr C N Banks CBE; Dr S Battle CBE ; Dr R M Dancey (Deputy Pro-Chancellor); Mrs M C Davies; Mr M G Gilbert (Treasurer); Dr W J Glover (Pro-Chancellor, in the Chair); Professor J K Heath; Ms J Larbie (President, Guild of Students); Mr G R Mackenzie OBE; Professor J M Marshall; Dr N Price OBE; Dr S S Sahota OBE; Professor M C Sheppard (Vice-Principal); Hon Alderman D Roy; Professor M J H Sterling (Vice-Chancellor and Principal); Dr J S Taunue MBE

Also present: Mrs G Ball (Director of Finance); Mr A B Buckley (Assistant Director of Human Resources (Strategy and Policy)) for items 09/32 and 09/34 only; Professor L A Clark (Pro-Vice-Chancellor); Dr S J L Gower (Minute Secretary); Mrs H Paver (Director of Human Resources) for items 09/25 and 09/29 only; Professor J I Petts (Pro-Vice-Chancellor); Professor M C Press (Head of College); Professor A J Randall (Pro-Vice-Chancellor); Mr L Sanders (Registrar & Secretary)

Apologies: Professor J S Bale; Ms B Blow; Mrs M Cass; Mr R Halton; Mr D Hartnett CB; Ms H Lazell (Vice-President (Democracy & Resources), Guild of Students); Ms C L McElroy; Professor A Pauwels (Head of College); Professor E W Peck (Head of College); Professor N P Weatherill (Head of College); Professor L S Young (Head of College)

Papers: The minute book contains copies of all written papers or reports to which reference is made below unless indicated otherwise.

LUNCHTIME PRESENTATION

09/21 Guild of Students : Activities, Campaigns and Services

Received:

A presentation from Ms Jennifer Larbie, President of the Guild of Students.

COUNCIL BUSINESS MEETING

09/22 Minutes of previous meeting

Resolved:

That the minutes of the meeting held on 4th February 2009 (CO.09.04.01) be approved.

09/23 Matters arising not addressed elsewhere on the agenda

- (i) Academic Health Sciences Centre (Minute 09/05 refers)

Reported:

That although the bid had made the final shortlist of seven, it was one of two that had been unsuccessful, the other being from Oxford. It was felt that the bid had fallen, in part, because of issues that had arisen in relation to one of the partners, although there were other areas which needed reflection. Feedback had, however, been very positive and suggested that a future application would be welcomed.

- (ii) Budgetary Outlook (Minute 09/08 refers)

Reported:

That the explanatory note from the Vice-Chancellor emailed to members regarding financial planning in the next three years had been helpful and was appreciated.

09/24 Pro-Chancellor's Items

Received:

An oral report from the Pro-Chancellor on a number of matters for information.

- (i) Leadership Foundation Governor Development Seminars

Reported:

That information on these seminars was circulated on a regular basis. They represented excellent briefings on specialist areas. Attendance was financed by the University. The Pro-Chancellor urged members to attend such events as the opportunity arose and to contact the Registrar and Secretary's Office where interested.

- (ii) Meeting to discuss Academic Strategy

Reported:

That a joint meeting with members of UEB had been arranged for 5.00 p.m. on 9th June, to be followed by dinner. This would be an excellent opportunity for Council to learn more about the academic strategies emerging from the Colleges that would inform the financial discussions that would take place at the meetings of Council in the remainder of the year.

- (iii) Title of Emeritus Professor

Reported:

That the title of Emeritus Professor of the University had been awarded to Professor Michael Sterling.

- (iv) CUC Guide for Members of Higher Education Governing Bodies in the UK
-- February 2009

Received:

Copies of the above Guide.

Noted:

That the Guide, which was an update of the 2004 edition, provided a practical explanation of the responsibilities of Governing Bodies in general, and how these powers were exercised. It incorporated the CUC's important Governance Code of Practice and General Principles.

09/25 Vice-Chancellor's Items

Received:

A report from the Vice-Chancellor on three items for information (CO.09.04.02) :

(i) Appointment of Pro-Vice-Chancellor (Estates and Infrastructure)

Resolved:

That the paper and its recommendations be approved.

(ii) Pay Negotiations

Reported: that

- (a) all unions had now signed up to the new JNCHES negotiating arrangements;
- (b) UCEA was attempting to correct some misrepresentation of the discussions that had appeared in the press. No commitment had been made by UCEA with regard to a pay freeze in the coming year. The proper time and place to discuss the details of the pay claim was the new JNCHES process. There was no agreement about reviewing the timetable;
- (c) UCEA had not backed away from the principles previously agreed;
- (d) within the University a group continued to meet to plan contingencies in the event of industrial action in order to mitigate the impact upon students.

(iii) Condolences

Reported: that condolences had been sent on the death of Dr B S Benedikz, formerly Head of Special Collections over a period of twenty years.

09/26 Report of Quinquennial Review Committee for the Guild of Students

Considered:

A report of the Quinquennial Review Committee (CO.09.04.03)

Reported: that

- (a) the Review had been deliberately held over until the changes to the Guild's legal status had come into effect;
- (b) the Registrar and Secretary and his staff would continue to work with the President of the Guild on support and joint activity;
- (c) the Guild was working on an action plan to implement the recommendations, and would report back to Council next session on progress.

Resolved:

That the recommendations in the Report be approved.

09/27 Research and Knowledge Transfer Strategy

Considered:

The revised Research and Knowledge Transfer Strategy (CO.09.04.04)

Reported: that

- (a) the Strategy had been developed following discussion at two meetings of Senate and an extensive series of consultations across the University;
- (b) it would need to develop further over the course of time particularly in light of the emerging University Strategic Framework;
- (c) the vision was to place Birmingham among the top ten UK universities and the top fifty universities in the world;
- (d) 29 statements were provided against which to test the University's performance;
- (e) Colleges would have a key role in delivering these outcomes;
- (f) progress would be monitored and reported to Senate and thence to Council.

Resolved:

That the Research and Knowledge Transfer Policy be endorsed.

09/28 Annual Report from the Council to the Court

Considered:

The draft Annual Report to the Court (CO.09.04.05)

Noted: that

- (a) paragraph 24 on the new Constitution for the Guild of Students might be abbreviated;
- (b) the completion of the Aston Webb semi-circle should figure as a separate sub-heading;
- (c) consideration should be given as to how potential questions about changes to Library provision and issues relating to the Birmingham City University brand might be addressed at the meeting of Court.

Resolved:

That, subject to these comments, the Report be approved for submission to Court.

Considered:

A report from the meeting of the Strategy, Planning and Resources Committee held on 17th March 2009 (CO.09.04.06)

- (i) Recommendations regarding the promotion of research staff to posts below the level of Senior Lecturer / Senior Research Fellow.

Resolved:

That the recommendations be approved.

- (ii) Revised Health and Safety Policy

Noted: that

- (a) the Policy had been updated to reflect the University reorganisation;
(b) further review might be beneficial to ensure that the Policy placed appropriate emphasis on the importance of individuals' responsibilities and that, in the light of other related documentation, it adequately addressed the responsibilities of contractors.

Resolved:

That the Director of HR, in consultation with Mrs Davies and Mr Mackenzie, review the Policy in the light of these comments, and that it be resubmitted to Council at its next meeting with any appropriate revisions.

- (iii) HEFCE Grant Letter 2009/10

Reported: that

- (a) HEFCE funding to the University for 2009/10 was £129m, an increase of 1.37%, though the assumed inflation figure was 2%;
(b) mainstream QR funding had increased by 4.8% compared with an average of 4% across the Russell Group. The Russell Group's share of this funding had fallen from 65% to 60%, reflecting HEFCE's decision to support "pockets of excellence". There were reductions in the charity, business and research student related elements of the grant to the University;
(c) teaching funding had increased by 1.1%, though, unlike other institutions, this University had not applied for additional student numbers. Nevertheless this was the third highest teaching grant in the Russell Group;
(d) there was uncertainty as to the exact level of funding in the fourth quarter of the year as the Funding Council had had to make some assumptions about the grant it would receive after April 2010;

Resolved: That the other items be received as set out in the Report.

09/30 Report from the Audit Committee

Considered:

A report from the meeting of the Audit Committee held on 10th March 2009
(CO.09.04.07)

Noted: that

- (a) the Fraud Response document, enclosed with the Audit Committee report, be welcomed, but it would be more appropriately styled as a policy rather than a plan;
- (b) explicit reference should be made in the Fraud Response document to the University's Policy and Procedure on Public Interest Disclosure and "Whistle blowing", making it clear that it was the duty of all staff to report cases of fraud that they became aware of;
- (c) paragraph 12 of this document should be amended to indicate that the normal assumption was that serious cases of fraud would be reported to the police as soon as possible;
- (d) reference should be made in the document, in the case of serious fraud, to provision for a "lock-down" on the authority of Senior Officers.

Resolved:

That the Fraud Response document be approved subject to the clarification of these points.

09/31 Report of the Membership Committee

Considered:

A report from the meeting of the Membership Committee held on 17th March 2009
(CO.09.04.08)

(i) Office of Deputy Pro-Chancellor

Mr Banks left the meeting for this item.

Resolved:

That Mr C N Banks be appointed to the office of Deputy Pro-Chancellor for the period from 1st August 2009 to 31st July 2013.

(ii) Vacancies on Lay Membership of Council and on Council Committees

Resolved:

That the recommendations in the report be approved.

(iii) Office of Pro-Chancellor

Reported: that

- (a) the proposals were aimed to give the University an opportunity to identify the best candidates available at an important time in the University's history;
- (b) the decision to engage the services of an executive search agency did not necessarily

- preclude the possibility that the next Pro-Chancellor would be elected from amongst the current lay members;
- (c) it was felt desirable to allow a future Pro-Chancellor the chance to serve as a member of Council prior to taking up this office, and for this reason one vacancy for a lay member was being held open for the time being.

Resolved: that the recommendations in the report on the process for identifying the next Pro-Chancellor be approved.

(iv) Attendance at the Membership Committee

Recommended:

That the Treasurer be added to those in attendance at the Membership Committee.

Resolved:

That this recommendation be approved.

09/32 Report of the Redundancy Committee

Considered:

A report from the Redundancy Committee (CO.09.04.09)

Reported:

That the funding for three fixed term posts in the School of Immunity and Infection in the College of Medical Sciences had expired and there was no opportunity to redeploy the post holders.

Resolved: that

- (a) the posts in question be declared redundant and the post holders be dismissed on grounds of redundancy;
- (b) the other recommendations as listed in the report be approved.

09/33 Report on Student Investigations undertaken on behalf of Council

Considered:

Reports from a Student Grievance Committee and an Appeal Committee (CO.09.04.10)

Noted: that

- (a) the Quality Assurance and Enhancement Committee of Senate reviewed student grievances and appeals on an annual basis. These results could be included in future reports from Senate to the Council;
- (b) the Pro-Vice-Chancellor (Academic Quality and Students) would review the case of Student AA to assess whether it raised major issues of process.

Resolved: that

The reports be received.

09/34 Report of the Enquiry Committee

Considered:

A report from an Enquiry Committee in respect of a staff disciplinary case (CO.09.04.11) and a paper further clarifying the delegation of Council's powers in respect of discipline and grievance cases for Administrative and Other Related Staff (CO.09.04.11 Appendix 1).

Resolved: that

- (a) the recommendation from the Enquiry Committee of 4th February 2009 be approved and that the member of staff be dismissed forthwith;
- (b) the recommendations regarding the appointment of an Enquiry Committee be approved;
- (c) the delegation of Council's powers be approved as set out in CO.09.04, Appendix 1.

09/35 Projected Financial Outturn

Received:

A report assessing the University's projected outturn for the year ending 31st July 2009, in comparison with the budget for the year to 31st July 2009 (CO.09.04.12).

09/36 Report from the Senate

Received:

A report from the meeting of the Senate held on 18th March 2009 (CO.09.04.13).

09/37 Capital Projects update

Received:

A progress report on capital projects above £5M approved by Council (CO.09.04.14)

09/38 Affixing of the Seal

Received:

A report noting the transactions which had required use of the University Seal since the last meeting of the Council (CO.09.04.15)

09/39 Any Other Business

The Vice-Chancellor

Reported:

That this was the last meeting of Council which the current Vice-Chancellor, Professor M J H S Sterling, would attend before his imminent retirement.

Resolved:

That the Vice-Chancellor be warmly thanked for his outstanding leadership and service to the University since 1993.

09/40 Date of next meeting

Reported:

There would be an informal meeting of the Council with UEB to receive a Strategic Update. This would take place on Tuesday 9th June from 5.00 p.m. and would be followed by dinner.

The next meeting of the Council would take place on Wednesday 1st July 2009, at 2.00 p.m. in the Senate Chamber