

UNIVERSITY OF BIRMINGHAM

COUNCIL

15 DECEMBER 2005

MINUTES

Members: Mr R W Angell (President, Guild of Students); Professor J S Bale; Dr P H Borchards; Mr F D Brooks; Professor M G Clarke (Vice-Principal); Dr J D Craggs; Professor R T Curtis; Mr R M Dancey (Deputy Pro-Chancellor); Mrs M C Davies; Professor W F Doe; Mr B R Ferguson (Vice-President, Guild of Students); Mr M G Gilbert; Mr W J Glover (Treasurer, from item 05/60); Lord Hannay of Chiswick (Pro-Chancellor, in the Chair); Mr D Hartnett; Ms C L McElroy; Professor J Michie; Mrs L F Payne; Councillor D Roy; Professor M J H Sterling (Vice-Chancellor and Principal); Dr J S Taunque; Professor C R Thomas; Mr P J Ullathorne.

Also present: Mrs G Ball (Director of Finance); Ms L Bray, (Head of Internal Audit, up to item 05/61 only); Mr A Buckley (Assistant Director, Personnel Services, up to item 05/71 only); Professor L A Clark (Pro-Vice-Chancellor); Mr S Clarke (Senior Manager, KPMG, up to item 05/61 only); Professor A M Cruise (Pro-Vice-Chancellor); Mr D E Hall (Academic Registrar, up to item 05/78 only); Miss S J Hordern (Minute Secretary); Dr J W Nicholls (Registrar and Secretary); Professor G E Petts (Pro-Vice-Chancellor); Ms S Primmer (Director of Communications); Professor C P Rickwood (Pro-Vice-Chancellor).

Apologies: The Rt Rev Dr M Santer.

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

05/59 Election to the office of Pro-Chancellor from 1 August 2006***Reported:***

That, in accordance with the provisions of Ordinance 3.2, the Registrar and Secretary had written to all members of the Council to inform them that only one nomination, for Mr W J Glover, had been submitted by the deadline for election to the office of Pro-Chancellor with effect from 1 August 2006.

Resolved:

That Mr W J Glover be appointed to the office of Pro-Chancellor for a four year term of office to 31 July 2010.

Reported:

That in order to elect a new Treasurer to fill the vacancy created by Mr Glover's election as Pro-Chancellor with effect from 1 August 2006, the Registrar and Secretary would write to all members of the Council in the new year inviting nominations for a lay member to fill the office of Treasurer, and the nominations would be considered by the Membership Committee of the Council in March 2006, in accordance with Ordinances 3.6 and 3.3 and its recommendations brought to the Council for decision at its April meeting.

05/60 Annual accounts for the year ended 31 July 2005

Considered:

The University annual accounts for the year ended 31 July 2005 and the letter of representation for submission to the external auditors and **received** a detailed report analysing the financial out-turn of budget centres for the year ending 31 July 2005 (all paper CO.05.12.01).

Received:

Oral reports from:

- (a) the Chair of the Audit Committee confirming that the Council had discharged its corporate governance responsibilities with respect to the annual accounts;
- (b) Mr Steven Clarke of the University's external auditors (KPMG) confirming that the accounts met the auditors' requirements;
- (c) the Head of Internal Audit, reporting that the programme of work agreed with the Audit Committee had been completed and that the University had adequate systems in place for governance, risk management, internal control and value for money.

Resolved:

- (a) That the annual accounts for the year ended 31 July 2005 be approved and adopted as set out in paper CO.05.12.01;
- (b) That the letter of representation be approved for submission to the external auditors;
- (c) That the accounting policies and estimation techniques on which the accounts were based be approved, noting the change to the treatment of fundraising income, as recommended in the report from the Strategy, Planning and Resources Committee, item 05/75;
- (d) That Mr P J Ullathorne be thanked for his excellent work as Chair of the Audit Committee on this his last occasion of presenting the accounts to the Council.

05/61 Minutes of previous meetings

Resolved:

That the minutes of the meeting held on 21 September 2005 (CO.05.12.02) and the minutes of the Special Meeting held on 29 November 2005 (CO.05.12.03) be approved.

05/62 Matters arising not addressed elsewhere

Audit of environmental and social responsibility matters (minute 05/20 refers)

Reported:

That the Sustainability Task Force would present a report to the meeting of the Council in July 2006 regarding the University's sustainability performance.

05/63 Pro-Chancellor's Items

Received:

A report from the Pro-Chancellor on a number of items for information (CO.05.12.04), it being noted that the HEFCE Assurance Audit had been rescheduled to take place between 23 – 25 May 2005.

Resolved:

That Professor C P Rickwood, Pro-Vice-Chancellor (Academic Quality and Students), be thanked, on his forthcoming retirement and his last meeting of the Council, for his service to the University over many years.

05/64 Term of Office of the Chancellor

Reported:

- (a) That the Chancellor's term of office was due to expire on 31 July 2007, but he had expressed an interest in serving for a further five year period to 31 July 2012;
- (b) That Statute 2 requires the extension of the Chancellor's appointment to be approved first by the Court, on the recommendation of the Council, and then by the Crown (acting through the Privy Council and on advice from the DfES) in order to be effective;
- (c) That the Council would be invited at its meeting in April 2006 to agree to take upon itself the decision of recommending to the University Court in June 2006 that the Chancellor's appointment be extended, thereby effectively acting as the committee specified for this purpose in Ordinance 3.1.

05/65 Vice-Chancellor's Items

- (a) Access Agreement (minute 05/37 refers)

Reported:

That the Office for Fair Access had agreed to the University's request to amend its access agreement so that eligibility for a University bursary would be capped at a residual family income of £33K for 2006/07, rather than in line with the upper limit of the state support threshold of £38K family income.

- (b) Incorporation of the Russell Group

Reported:

- (i) That the Russell Group of research-intensive universities had approved the proposal that the Group should be incorporated as a Company Limited by Guarantee (without any share capital) and it intended to employ a number of staff in order to prosecute its objectives more effectively.
- (ii) That the current subscription to the Russell Group of £15K per annum was likely to increase as a result of the incorporation, but the Group was seeking a corresponding reduction in the subscriptions that its members paid to Universities UK since there were some UUK services which it would prefer to carry out independently.

Resolved:

That the Pro-Chancellor be empowered to approve on behalf of the Council the University's membership of the incorporated Russell Group and the nomination of the Vice-Chancellor as a Director of the Group, following receipt of legal advice and scrutiny of the Memorandum and Articles of Association of the new body by the University Officers.

05/66 Birmingham Pension and Assurance Scheme (BPAS) (minute 05/57 refers)

(COMMERCIAL IN CONFIDENCE)

05/67 Revised Model Statute (minute 05/38 refers)

Considered:

For the second time, proposed revisions to Statute 28 (the 'Revised Model Statute') and the associated Ordinances governing the dismissal and grievance procedures for academic staff, taking into account comments offered by the Senate and the University Court and arising from the consultation amongst academic staff (CO.05.12.06).

Reported:

- (a) That there was an additional amendment to clause 9(iii) of the Revised Model Statute as presented in paper CO.05.12.06, which should read 'failure, refusal, or neglect ~~or~~ inability to perform some or all of the duties...' (additions underlined, deletions struck through).
- (b) That the Ordinances constitute part of the terms and conditions of employment of academic staff and some minor issues in the Ordinances remained to be resolved with the Birmingham AUT before they could be presented to Council for final approval in April 2006.

Resolved:

- (a) That the revisions to Statute 28 (the 'Revised Model Statute') be approved for the second and final time, as set out in paper CO.05.12.06 and including the minor amendment to clause 9 (iii) noted above.
- (b) That it be noted that further revisions might be made to the associated Ordinances, in consultation with the BAUT, and would be presented to the Council for approval in April 2006.
- (c) That the Revised Model Statute and associated Ordinances be submitted to the Privy Council as a complete package, after approval of the Ordinances at the meeting of the Council in April 2006, with a proposed effective implementation date of 1 August 2006.
- (d) That cases already in progress at the time of implementation of the Revised Model Statute continue to be considered under the existing Statute 28 and Ordinances to their conclusion.

05/68 Amendments to Statute 14: the Council (minute 05/39 refers)

Considered:

For the second time, proposed amendments to Statute 14 governing the composition of the Council (CO.05.12.07), taking into account comments offered by the Senate and the University Court.

Reported:

That, on the advice of the Privy Council and in consultation with the Chair of the Council, the Statute had been amended slightly since it was presented to Council in September, in that the term of office of members in Classes II and IV had been limited to normally two terms of four years each, although the Council retained the discretion, in exceptional circumstances, to appoint a member in these Classes for a third term of up to four years, without a gap in office.

Resolved:

That the revisions to Statute 14 be approved for the second and final time as set out in paper CO.05.12.07, and be submitted to the Privy Council for approval in January 2006.

05/69 Appeals against decisions taken under section 28 of the Statutes

Received:

An oral report from the Registrar and Secretary proposing that the Council appoint two persons not employed by the University who hold, or have held, judicial office or are barristers or solicitors of at least ten years' standing, in order to hear and determine appeals against decisions taken under section 28 of the Statutes, pending the implementation of the new procedures in the Revised Model Statute and its Ordinances.

Resolved:

That Ms Sara Woofenden of Bevan Brittan LLP and Ms Diane Gilhooley of Eversheds be invited to be appointed as persons who might be called upon to hear and determine appeals under Part V of Statute 28, for a period of one year in the first instance.

05/70 University International Strategy

Considered:

A proposed University International Strategy and the establishment of an International Board, on the recommendation of the Senate and the Strategy, Planning and Resources Committee (CO.05.12.08).

Reported:

That Dr Judith Lamie, Head of the English for International Students Unit, had been appointed as Director of the International Strategy for six months initially, in order to oversee the first stages of implementation of the Strategy.

Resolved:

- (a) That the University International Strategy be approved as set out in paper CO.05.12.08 and that regular feedback on progress be provided to the Council so that it could contribute to steering the direction of the Strategy;
- (b) That the proposed establishment of an International Board be approved, it being noted that the membership and terms of reference would be approved by the University Strategic Management Committee.

- (c) That the International Board, in liaison with the Director of Communications, be asked to produce a shorter strategy document for dissemination internally and externally, setting out a vision for the international nature of the University in five years' time.

05/71 Interim Report from a Redundancy Committee

Considered:

An interim report from a Redundancy Committee convened to consider the abolition of a post in Information Services and the consequential redundancy of a member of staff, including recommendations regarding necessary changes to the membership of the Committee (CO.05.12.09).

Resolved:

- (a) That Mr R Dancey, Deputy Pro-Chancellor, a current member of the Committee, be appointed as the Chair in place of Professor G Petts;
- (b) That Mr F D Brooks, a lay member of Council, be appointed as a member of the Committee, replacing Professor Petts;
- (c) That Professor A Hughes, Pro-Vice-Chancellor-elect (Academic Quality and Students), be appointed as one of two members of the Senate serving on the Committee, in place of Professor C Rickwood;
- (d) That Dr J Taunque be appointed as a reserve member to serve in the event that one of the appointed Council members is unable to serve for any reason;
- (e) That Professor P M Marquis, Dean of Life and Health Sciences, be appointed as a reserve member to serve in the event that one of the two members of the Senate is unable to serve for any reason.

Therefore the membership of the Committee which would meet on 26 January 2006 would be as follows:

| | |
|------------------------------------|-------|
| Mr R Dancey, Deputy Pro-Chancellor | Chair |
| Mr W J Glover | |
| Mr F D Brooks | |
| Professor P Wrightson | |
| Professor A Hughes | |

Reserve members

Dr J Taunque
Professor P M Marquis

05/72 Appeal against the decision of a Discipline Committee

(CONFIDENTIAL)

Considered:

A report from the Appeal Committee which heard an appeal by student E against the decision of a Discipline Committee (CO.05.12.10).

Resolved:

- (a) That student E's appeal against the decision of the Discipline Committee be rejected, but that the penalty of a year of suspension should be counted as having been served in 2004/05, when the student had been on leave of absence.
- (b) That the Registrar and Secretary be asked to investigate the wider issues and recommendations raised by the Appeal Committee and to report back to a future meeting of Council.
- (c) That Mrs M Davies, Mrs L Payne and Professor J Bale be thanked for giving their time to hear student E's appeal and for providing a detailed and thorough report.

05/73 Grievances submitted to Council

(CONFIDENTIAL)

- (a) Grievance submitted by student F

Reported:

That a grievance to Council had recently been submitted by student F and Ms C McElroy had been asked to investigate and report to the Council as to whether there was a *prima facie* basis for student F's grievance.

Resolved:

That Ms McElroy's report of her investigation into student F's grievance be considered by the Council by means of correspondence, in accordance with section 13 of Council standing orders, to avoid delaying a decision until the meeting of the Council in April 2006, it being noted that the matter would be deferred for consideration at the meeting in April 2006 if any member wished to have further discussion of the process of the investigation or the conclusions drawn.

- (b) Investigation into the management and supervision of research students (minute 05/14c refers)

Received:

An oral report from the Registrar and Secretary concerning an investigation carried out by the Deputy Dean of Arts and Social Sciences into the management and supervision of research students in the Department of Theology, in response to issues raised by the former Deputy Pro-Chancellor in the course of investigation of a grievance submitted by a research student which was dismissed by the Council in June 2005.

Reported:

- (a) That the review had highlighted inconsistencies across the University in the extent of supervision provided to students registered as 'writing up' and the point at which students transferred to writing up status and paid the reduced fee, and had also raised questions surrounding the right of a student to submit notwithstanding reservations on the part of the supervisors.
- (b) That the Quality Assurance and Enhancement Committee had considered the review report and was instigating appropriate action in order to ensure consistency of treatment of research students, including consideration of changes to and clarification of regulations, codes of practice and guidance for research degree examiners.

05/74 Report from the Senate

Considered:

A report from the meetings of the Senate held on 26 October and 30 November 2005 (CO.05.12.11), including a report from the Nominations Committee regarding honorary degrees and the first University Sporting Achievement Award to be awarded in 2006.

Resolved:

That the proposed amendment to Ordinance 5.4, to include the Bachelor of Science in Dental Hygiene and Therapy in the list of programmes whose students are subject to Fitness to Practise regulations, be approved.

05/75 Report from the Strategy, Policy and Resources Committee

Considered:

A report from the meeting of the Strategy, Policy and Resources Committee (SPRC) held on 18 October 2005 (CO.05.12.12), it being noted that the accounting policies and estimation techniques for the year ended 31 July 2005 had been approved under item 05/60.

Reported: (by the Vice-Chancellor)

That SPRC, at its meeting on 12 December 2005, had:

- (a) approved a policy and guidelines for the use of attraction and retention premia for academic and related staff on an exceptional basis, in order to respond to market pay issues;
- (b) considered a report on the Review of the Business Plan for the Business School and agreed that a new group be established under the chairmanship of the Vice-Principal to oversee the development of a revised business plan for the Business School by the end of March 2006.

Resolved:

That the report of the review of the Business School be circulated to Council members for information, together with the related resolution of SPRC.

05/76 Projected financial outturn for the year ending 31 July 2006

(COMMERCIAL IN CONFIDENCE)

05/78 Admissions update (minute 05/37 refers)

Received:

A report from the Academic Registrar on the University's recruitment for the academic year 2005/06, including an overview of the resultant student profile and an outline of some of the actions being taken to address the challenges of UK and international recruitment (CO.05.12.14).

Reported:

- (a) That the University had met its targets to increase average A level entry grades and to reduce 'unfunded' student numbers, although more remained to be done.
- (b) That, in common with the majority of UK universities, international recruitment in 2005/06 had fallen, particularly from the Chinese market.
- (c) That applications for 2006 had fallen by around 10% nationally, but some Schools within the University currently had significant increases in applications.

Resolved:

That the Academic Registrar be thanked for the useful and detailed statistical analysis of recruitment and be asked in future reports to include additional qualitative analysis of the reasons for the statistical trends.

05/79 University Strategic Framework

Received:

A report on progress in development of an Executive Action Plan for the University Strategic Framework (CO.05.12.15), including the development of criteria for selectivity which would be used to inform the next round of action planning and resource allocation.

Reported:

That Council would be invited to approve a full Executive Action Plan based on key performance indicators in June 2006, including qualitative as well as quantitative targets.

05/80 Muirhead Tower and the School of Social Sciences

Received:

A report outlining the reasons for location of all departments within the School of Social Sciences in the Muirhead Tower in 2008 and the proposed re-location of the European Resource Collection, including the Alexander Baykov library, to the main library (CO.05.12.16).

Reported:

That the Strategy, Planning and Resources Committee, at its meeting on 12 December, had recommended that:

- (a) the Muirhead Tower be renamed to reflect its new use and that a proposal be presented to the Estates and Infrastructure Sub-Committee in due course;
- (b) the reasoning behind the move of the Social Science departments should be widely distributed to external stakeholders.

Resolved:

That the plan to relocate the Social Science departments in the Muirhead Tower be endorsed and that the Tower be renamed in recognition of its new usage.

05/81 Report from the Membership Committee of the Council

(CONFIDENTIAL)

Received:

Reports from the meetings of the Membership Committee of the Council held on 18 October and 12 December 2005 (CO.05.12.17 and appendix).

Resolved:

That Ms Marilyn Cass and Mr Bob Taylor be invited to be appointed as lay members of the Council with effect from 1 August 2006.

Reported:

That the Vice-Chancellor and the Vice-Principal would be interviewing a number of other nominees in the new year and further recommendations regarding invitations to membership of the Council would be brought forward to the meeting of the Council in April 2006 to fill the remaining three vacancies in lay membership of the Council from 1 August 2006.

05/82 Report from the Audit Committee

Received:

A report of the meeting of the Audit Committee held on 15 November 2005, including the annual report of the Audit Committee (CO.05.12.18).

Resolved:

That KPMG be re-appointed as the University's external auditors.

05/83 Report from the Development and Alumni Relations Office

Received:

An interim report from the Development and Alumni Relations Office (CO.05.12.19).

05/84 Environment Health and Safety Executive Committee Annual Report

Resolved:

That the annual report of the Environment Health and Safety Executive Committee for 2004/05 be approved and adopted (CO.05.12.20).

05/85 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.05.12.21).

05/86 Capital Projects Update

Received:

A progress report on capital projects approved by Council and monitored by the Estates and Infrastructure Sub-Committee (CO.05.12.22).

Resolved:

That the Deputy Pro-Chancellor, as Chair of the Estates and Infrastructure Sub-Committee, be asked to identify a suitable point in the year when a more detailed report on the estate strategy and capital expenditure could be considered by the Council.

05/87 Winterbourne Gardens

Reported:

That the Winterbourne Gardens had recently been re-opened following restoration work and photographs were being sought of the old glasshouses to assist with their restoration.

05/88 Date of next meeting

Reported:

That the next meeting of the Council would be held on 5 April 2006.
