

UNIVERSITY OF BIRMINGHAM

COUNCIL

20 December 2006

UNCONFIRMED MINUTES

Members: Professor J S Bale; Mrs S Battle; Ms B Blow; Mrs M Cass; Professor M G Clarke (Vice- Principal); Dr J D Craggs; Mr R M Dancey (Deputy Pro-Chancellor); Mrs M C Davies; Mr M G Gilbert (Treasurer, from item 06/174); Mr W J Glover (Pro-Chancellor, in the Chair); Mr D Hartnett; Professor J K Heath; Mr G Hughes (President, Guild of Students); Mr P Mason (Vice-President, Guild of Students); Professor J Michie; Councillor D Roy; Dr S Sahota; the Rt Rev Dr M Santer; Professor M J H Sterling (Vice-Chancellor and Principal).

Also present: Ms C M Abbott (Director of Planning, for item 06/179 only); Mrs G Ball (Director of Finance); Ms L Bray (Head of Internal Audit, for items 06/177 to 06/180); Mr A Buckley (Assistant Director, Human Resources (Strategy and Policy) up to item 06/182); Professor L A Clark (Pro-Vice-Chancellor); Professor A M Cruise (Pro-Vice-Chancellor, up to item 06/179); Miss S J Hordern (Minute Secretary); Professor A Hughes (Pro-Vice-Chancellor, up to item 06/180); Professor P Marquis (Dean of Life and Health Sciences, for item 06/174 only); Dr J W Nicholls (Registrar and Secretary); Professor G E Petts (Pro-Vice-Chancellor); Ms J Wynn (Head of Internal Communications).

Apologies: Mr F D Brooks; Ms C L McElroy; Dr J S Taunque; Mr R Taylor; Professor S C West.

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

06/170 Minutes of previous meeting

Resolved:

That the minutes of the meeting held on 20 September 2006 (CO.06.12.01) and the minutes of the Away Half-Day held on 14 November 2006 (CO.06.12.02) be approved.

06/171 Matters arising from the minutes

(a) Admissions update (minute 06/156 refers)

Reported:

- i. that an analysis of applications and registrations for overseas students by country of origin would be included in the University Statistical Profile which Council members would receive in February 2007;
- ii. that individual grades for the modules that make up an applicant's A2 and AS levels would be available in August 2007, along with the overall A2 and AS grades. The University would not be making offers to applicants based on individual module grades but might use them during the acceptance process to distinguish between borderline cases.

- (b) Supply of steam to the Medical School (minute 06/158 refers)

Reported:

That it had been decided to construct a temporary boiler house at the Medical School to ensure steam supplies, prior to a permanent connection being made to the University Combined Heat & Power plant when the new hospital is completed in 2012.

06/172 Pro-Chancellor's Items

Received:

A report from the Pro-Chancellor on a number of matters (CO.06.12.03).

Resolved:

- (a) That the appointment of Ms Sara Woofenden of Bevan Brittan LLP and Ms Diane Gilhooley of Eversheds as persons who might be called upon to hear and determine appeals under Part V of Statute 28 be renewed for a further year to end of December 2007.
- (b) That the Council's congratulations and best wishes be extended to Professor G E Petts (Pro-Vice-Chancellor, Planning and Resources) on his appointment as Vice-Chancellor of the University of Westminster from summer 2007.

06/173 Vice-Chancellor's Items

Received:

A report from the Vice-Chancellor on a number of items for information (CO.06.12.04), together with an additional oral report confirming that the number of applications for entry in 2007 were, with the exception of overseas applications for postgraduate taught programmes, higher than at the same point last year.

Resolved:

- (a) That Professor W Doe be warmly thanked for his enormous contribution to the development of the Medical School and the University more widely as he stepped down as Dean of the Medical School.
- (b) That the Pro-Chancellor be empowered to confirm the appointment of a new Dean of the Medical School, it being noted that a suitable candidate had been provisionally identified.
- (c) That the University's Corporate Services be congratulated on achievement of Investors in People status.

06/174 Academic Strategy for the School of Education

(CONFIDENTIAL)

Considered:

- (a) A paper from the Chair of the Change Management Team in the School of Education, Professor P M Marquis, regarding implementation of a new academic strategy for the School of Education (CO.06.12.05);

- (b) An open letter to the Council from the Universities and Colleges Union (UCU) (CO.06.12.05A, tabled);
- (c) A race and disability impact assessment of the proposed withdrawal from programmes in Community, Play and Youth, carried out by the University's Human Resources Office (CO.06.12.05B, tabled).

Reported:

That the Vice-Chancellor had received a letter from Thompsons Solicitors, appointed by the Universities and Colleges Union, commenting upon the proposed reduction in staff delivering programmes in Community, Play and Youth.

Received:

The following oral reports:

- (a) An explanation from the Registrar and Secretary of the procedure set out in Statute 28 part II and Ordinance 3.11 governing dismissal of academic staff, including clarification that the Council's role in this process would be in two stages:
 - firstly, at this meeting, to determine whether it was desirable that there be a reduction of academic staff delivering Community, Play and Youth programmes, and if so, to refer the matter to the Redundancy Committee, which would carry out a full consultation and consider possible mitigation;
 - secondly, at a future meeting, to consider the recommendations of the Redundancy Committee and take final decisions.
- (b) A summary from the Registrar and Secretary of legal advice which the University had sought from Pinsent Masons, in response to the open letter from the UCU, regarding the proposed reduction in academic staff, which concluded that the risks of exposing the University to a successful claim of direct or indirect race discrimination were minimal but that it would be advisable to carry out a race / disability impact assessment prior to taking a decision to refer the matter to a Redundancy Committee. It was noted that the University had already identified the need for such an impact assessment and the outcome would be reported during the Council meeting.
- (c) A summary from Professor P M Marquis of the change management processes which led to the development of a new academic strategy for the School of Education and the reasons for the Senate's decision to withdraw from programmes in the area of Community, Play and Youth. In mitigation of the impact of this decision, it was reported that the University Strategic Management Committee had decided that students currently registered on the DipHE in Community, Play and Youth would be offered the option to undertake a BPhil, subject to all taught elements being completed by the end of the session 2009/2010.
- (d) A summary by the Assistant Director of Human Resources (Strategy and Policy) of the findings of the race and disability impact assessment carried out by the Human Resources Office following the Senate's decision to withdraw programmes in Community, Play and Youth, which concluded that whilst the withdrawal of these programmes would have a disproportionate effect upon black and minority ethnic (BME) staff and students, it was not possible at present to minimise the adverse impacts any further and also fulfil the objectives of the new academic strategy for the School of Education.

Following a full discussion of all aspects of this matter, the Council **endorsed** the Senate's decision to withdraw from programmes in Community, Play and Youth on grounds of, *inter alia*, financial non-viability, poor contribution to the School's research agenda and lack of fit with the core educational and research principles of the University's Strategic Framework, it being noted that the links with local communities which were a particular feature of these programmes would be maintained through other programme offerings in the School of Education and more general outreach activities such as Access 2 Birmingham. Negotiations were also taking place regarding potential transfer of the programmes to other local providers.

Resolved:

- (a) That it was desirable that there be a reduction of staff delivering the following Community, Play and Youth programmes in the School of Education:
 - BPhil (Full & Part Time) Community, Play and Youth Studies.
 - DipHE (Full & Part Time) Community, Play and Youth Studies.
 - MA (Full & Part Time) Youth & Community Studies.
 - MA (Full & Part Time) Applied Community Studies.

- (b) That the existing Redundancy Committee, (with the following membership agreed by the Senate and the Council at their meetings on 21 June and 4 July 2006 respectively) be asked to consider and make recommendations to the Council to put into effect the reduction in staff related to Community, Play and Youth programmes in accordance with the procedures set out in Statute 28 Part II and Ordinance 3.11:

<u>Name</u>	<u>Capacity</u>	<u>Reserve</u>
Mr R M Dancey	Chair	
Mr F D Brooks	Lay member of Council	Ms B Blow
Ms C McElroy	Lay member of Council	
Professor A Hughes	Academic staff nominated by Senate	Professor L A Clark
Professor J K Heath	Academic staff nominated by Senate	Dr P K Byers

06/175 New Constitutional Arrangements for the Guild of Students

Considered:

A paper regarding new constitutional arrangements for the Guild of Students (CO.06.12.06), in particular outlining the Council's obligations with respect to the Guild of Students and the implications of the Charities Bill.

Reported:

That the University and the Guild of Students had agreed that the Guild of Students should incorporate as a company limited by guarantee.

Resolved:

- (a) That the role of Chair of the Board of Trustees for the incorporated Guild of Students should be independent of both the University and the Guild and should have a fixed period of office.

- (b) That the Guild of Students be asked to work in full consultation with the University to present to the Council in April 2007 detailed proposals for constitutional reform of the Guild of Students based on the principle of an independent Chair of the Board of Trustees and other principles agreed between the University and the Guild as set out in paper CO.06.12.06.

- (c) That the Council's full quinquennial review of the Guild of Students be postponed until proposals for reform of the Guild of Students were available for inclusion in the review process.

06/176 Update on Consultation on the Re-organisation of the University

(CONFIDENTIAL)

Received:

A paper confirming the composition and terms of reference of an Organisational Review Steering Group and details of the associated work streams (CO.06.12.07), together with an oral report from the Programme Director, the Pro-Vice-Chancellor (Planning and Resources), noting that the key issues raised to date as a result of the internal consultation related to:

- the internal structure, operation and financial management of the proposed Colleges, it being noted that there was broad acceptance of the proposed establishment of between 4-6 Colleges,
- the proposed distribution of some corporate support services to academic units;
- the need to ensure that the College boundaries do not act as barriers to interdisciplinary activities.

Reported:

That, following a meeting of the Organisational Review Steering Group on 8 January 2007, a firmer set of draft proposals for the essential principles to be incorporated in the new structure would be issued for consultation.

06/177 Annual Accounts for the year ending 31 July 2006

Considered:

The University annual accounts for the year ending 31 July 2006 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 2006 (all paper CO.06.12.08).

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 confirming 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 2006 be approved and adopted as set out in paper CO.06.12.08;

- (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, as recommended in the report from the Strategy, Planning and Resources Committee, item 06/182;
- (d) That the Finance Office, the Internal Auditor and the Audit Committee be thanked for their work with respect to the annual accounts.

06/178 Projected Financial Outturn for the year ending 31 July 2007

Considered:

A report assessing the University's projected outturn for the year ending 31 July 2007 (CO.06.12.09), noting that:

- (a) the financial positions for each of the University's main business areas were projected to be in line with the approved budget;
- (b) the four key requirements of the University's corporate financial strategy continued to be met;
- (c) the funds generated from significant property disposals were classified as an exceptional item and would be used for investment in accordance with the University Residential Strategy.

06/179 Workload allocation models and the National Student Survey

Considered:

An analysis of Schools' workload allocation models and a summary of action taken in response to the results of the 2006 National Student Survey (NSS), particularly with regard to feedback and assessment, and concerning work being undertaken to improve student participation in the Survey (CO.06.12.10).

Resolved:

That a small working group be established under the guidance of the University Strategic Management Committee to explore the feasibility of establishing a University-wide workload model, with a view to reporting in summer 2007, it being noted that it was not possible to draw any valid inferences from current workload model data to provide an explanation for the University's performance in the 2006 National Student Survey (NSS).

06/180 Report from the Audit Committee

Considered:

A report from the meeting of the Audit Committee held on 7 November 2006, including the annual report from the Audit Committee (CO.06.12.11).

Reported:

That the Audit Committee was currently reviewing its remit and would bring forward proposals for revised terms of reference during 2007.

Resolved:

- (a) That the University Value for Money Policy be approved as set out in appendix 1 of paper CO.06.12.11.
- (b) That KPMG be re-appointed as the University's external auditors for the year ending 31 July 2007.

06/181 Ordinances associated with the Revised Model Statute

Considered:

A report on progress in negotiations regarding the drafting of the Ordinances associated with the Revised Model Statute (RMS) which was approved by the Council in December 2005 (CO.06.12.12).

Resolved:

- (a) That the Council's current policy of reaching agreement with the Universities and Colleges Union (UCU) on the wording of the Ordinances prior to petitioning the Privy Council for adoption of the RMS be reaffirmed, it being noted that it was intended to reach agreement on the drafting of the Ordinances in advance of the Council meeting on 4 April 2007.
- (b) That the Pro-Chancellor be authorised to approve the Ordinances associated with the RMS on Council's behalf, following consultation with the two other lay officers of Council and with Professor J Heath and Professor S West, and to petition the Privy Council for the adoption of the RMS in the event that agreement on the Ordinances is reached before the April meeting of Council.
- (c) That, if agreement with the UCU on the wording of the Ordinances had not been achieved by 4 April 2007, serious consideration would be given to petitioning the Privy Council for immediate adoption of the RMS, notwithstanding the absence of agreed Ordinances.

06/182 Report from the Strategy, Planning and Resources Committee

Considered:

A report from the meetings of the Strategy, Planning and Resources Committee held on 19 October and 12 December 2006 (CO.06.12.13).

Resolved:

- (a) That the Estates and Infrastructure Sub-Committee be given increased delegated authority to approve items of expenditure for capital projects up to £5m.
- (b) That a client task group be set up, reporting to the Capital Projects Co-ordination Group, to consider redevelopment of the Union building and to establish a specification and outline costing for the project based on a total resource package of £4m, on the understanding that the University would make a contribution, to be determined, to supplement investment by the Guild of Students.
- (c) That the University Capital Development Framework to 2015 be approved as set out in the appendix to these minutes, subject to inclusion of development of the Union building and the potential to invest in the development of the retained estate of the Queen Elizabeth hospital.

Reported:

That a contract for refurbishment of the Muirhead Tower had recently been signed, within the approved budget.

06/183 Report from the Senate

Considered:

A report from the meetings of the Senate held on 25 October and 29 November 2006 (CO.06.12.14).

Resolved:

- (a) That the new Policy on Accommodating Students' Religious Observance be approved as set out in paper CO.06.12.14.
- (b) That the proposed amendment to Ordinance 4.1 (Degrees of the University) to include the award of a Doctor of Business Administration be approved as set out in paper CO.06.12.14 to take immediate effect.

06/184 MERCIA Funds

Considered:

A paper proposing further investment into the MERCIA Fund 1 and creation of MERCIA Fund 2 (CO.06.12.15).

Resolved:

- (a) That the arrangements for further investment of £3.8m to be made by Advantage West Midlands (AWM) into Mercia Fund 1 be approved as set out in paper CO.06.12.15.
- (b) That the University invest £400,000 in Mercia Fund 2, on a limited liability basis, subject to satisfactory conclusion of contracts.
- (c) That the Registrar and Secretary be authorised to agree the final wording of the necessary documents to allow the additional investment in Mercia Fund 1 by AWM and to arrange for the documents to be executed on behalf of the University.
- (d) That the Director of Finance be authorised to make the necessary arrangements to proceed with the investments into Mercia Fund 2, subject to completion of the transaction in regard to Mercia Fund 1 and the agreement of the University of Warwick to commit £400,000 to Mercia Fund 2.

06/185 Membership of a Company

Resolved:

That the University become a member of In-Tend Asset Management Limited, for procurement purposes, as set out in paper CO.06.12.16.

06/186 Key Performance Indicators

Received:

A paper summarising the CUC consultancy report on 'Key Performance Indicators and the monitoring of institutional performance', assessing the University's approach to KPIs in the

context of this guidance and providing an interim update on a selection of the University's KPIs prior to a full report in April 2007 (CO.06.12.17).

06/187 Arrangements for Appointing a Vice-Chancellor and Principal

Received:

A note advising of the procedure for appointment of a Vice-Chancellor and Principal and noting that Council would be asked to approve establishment of a Joint Committee of Senate and Council for this purpose at its next meeting in April 2007 (CO.06.12.18).

06/188 Review of Legislation (minute 06/126 refers)

Received:

A progress report on the revised timescale for the Review of University Legislation which would enable better co-ordination with the consultation and implementation of the planned re-organisation of the University (CO.06.12.19).

06/189 InnovationXchange (IXC) UK

Received:

A progress report on implementation of the UK hub of the International InnovationXchange (IXC), including confirmation that a company entitled IXC UK Limited had been established (CO.06.12.20).

06/190 Annual Reports from Birmingham Research & Development Ltd and Birmingham Research Park Ltd

Received:

The annual reports for 2005/06 from:

- (a) Birmingham Research & Development Ltd (BRDL) (CO.06.12.21a).
- (b) Birmingham Research Park Ltd (BRPL) (CO.06.12.21b).

06/191 Admissions Update

Received:

A report from the Director of Admissions confirming registrations for the current academic year (also reported under item 06/173) and summarising applications for 2007 entry (CO.06.12.22).

06/192 Report from the Development and Alumni Relations Office

Received:

A report from the Development and Alumni Office on progress of the Capital Fundraising Campaign (CO.06.12.23).

06/193 The Committee Framework

Received:

A report from the first annual meeting of committee chairs and secretaries to review the Committee Framework and to co-ordinate committee business (CO.06.12.24).

06/194 Report from Membership Committee of the Council

Received:

A report from the meeting of the Membership Committee of the Council held on 12 December 2006 (CO.06.12.25).

Reported:

That Dr J S Taunque had accepted the invitation to serve for a second term of office from 1 August 2007 to 31 July 2011.

Resolved:

That Dr Norman PRICE OBE be invited to be appointed as a lay member of the Council from 1 August 2007 to 31 July 2011, it being noted that if the invitation were accepted, there would be no further vacancies in the lay membership of the Council from 1 August 2007.

(Note: Dr Price accepted the invitation to become a lay member of Council).

06/195 Capital Projects Update

Received:

A progress report on capital projects approved by Council (CO.06.12.26).

06/196 Environment Health and Safety Executive Annual Report

Received:

The annual report of the Environment Health and Safety Executive Committee for 2005/06 (CO.06.12.07).

06/197 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.06.12.28).

06/198 Any other business

There was none.

06/199 Date of next meeting

Reported:

That the next meeting of the Council would be held on 4 April 2007.
