

UNIVERSITY OF BIRMINGHAM

COUNCIL

21 SEPTEMBER 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; Mr B R Ferguson (Vice-President, Guild of Students); Mr M G Gilbert; Mr W J Glover (Treasurer); Lord Hannay of Chiswick (Pro-Chancellor, in the Chair); Mr D Hartnett (up to item 05/44); Ms C L McElroy (up to item 05/36); Mrs L F Payne; The Rt Rev Dr M Santer; Professor M J H Sterling (Vice-Chancellor and Principal); Dr J S Taunque; Professor C R Thomas.

Also present: Mrs G Ball (Director of Finance); Professor L A Clark (Pro-Vice-Chancellor); Professor A M Cruise (Pro-Vice-Chancellor); 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); Mrs J Usherwood (Director of Personnel Services, up to item 05/41 only).

Apologies: Professor W F Doe; Mr G Harvey-Samuel; Professor W Henderson; Professor J Michie; Councillor D Roy; Mr P J Ullathorne.

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

05/31 Membership and terms of reference

Received:

The membership of the Council for 2005/06 and its terms of reference (CO.05.09.01).

Reported:

- (a) That Mrs P Yarrow had tendered her resignation from the Council with immediate effect and the
- (b) That Professor W Henderson would retire with effect from 30 September 2005. While it was not intended to hold a bye-election to fill this place now, an election would need to be conducted by the Senate during 2005/06 for one its members to serve for a full term in order to ensure that there were four members in this category of membership when the revised Council came into being on 1 August 2006.

Resolved:

That the Pro-Chancellor would write to thank both members for their service to Council.

05/32 Minutes of the previous meeting

Resolved:

That the minutes of the previous meeting (CO.05.09.02) held on 30 June 2005 be approved.

05/33 Matters arising from the minutes

- (a) Headships of Schools (minute 05/16 refers)

Reported:

That Professor R Speirs had been appointed Head of the School of Humanities with effect from 1 December 2005 to 31 July 2008, and that Professor J Petts had been re-appointed Head of the School of Geography, Earth and Environmental Sciences with effect from 1 August 2005 to 31 July 2008.

- (b) Deanship of Physical Sciences and Engineering (minute 05/16 refers)

Reported:

That Professor P Daniels had been appointed Dean of Engineering and Physical Sciences from 1 August 2005 to 31 July 2008.

- (c) Strategic Framework (minute 05/17 refers)

Reported:

- (a) That the Strategic Framework would be sent in booklet form to members of Council and to all members of staff at the end of September, whilst the associated Executive Action Plan would be presented to Council at its meeting on 15 December 2005.
- (b) That the draft International Strategy had been issued for consultation within the University and would be submitted to the Council for consideration at its meeting on 15 December 2005.

Resolved:

That the draft International Strategy be sent as soon as possible to Council members to provide an opportunity for comment before its further consideration by the International Strategy Steering Group.

- (d) Birmingham Pension and Assurance Scheme Actuarial Evaluation

(COMMERCIAL IN CONFIDENCE)

- (e) Promotions and Titles (minute 05/24 refers)

Received:

A report from the Promotions and Titles Committee, listing promotions approved since the report submitted to Council in June 2005 (CO.05.09.04).

- (f) Investment appraisal for replacement of Mason Hall (minute 05/22 refers)

Reported:

That the City Council had given approval to the planning application for demolition of Mason Hall and its replacement with a new building containing 849 bed spaces, using gas heating, as requested.

- (g) Petition to the Visitor by Student A (CONFIDENTIAL)

Reported:

That the Visitor, following advice from the Office of the Independent Adjudicator, had rejected the petition submitted by Student A, upholding the decisions of the University's Complaints Review Panel and of the Council, which had determined that Student A did not have a *prima facie* basis for a grievance submitted to Council in 2004.

- 05/34 Council Code of Practice on Corporate Governance and Related Procedural Matters

Agreed:

That the *Council Code of Practice on Corporate Governance and Related Procedural Matters* as revised in the light of the outcomes of the Council Effectiveness Review, including the Council's Standing Orders, be approved for adoption for the academic session 2005/06 as out in paper CO.05.09.05.

- 05/35 Grievances submitted to Council (CONFIDENTIAL)

- (a) Student B

Resolved:

- (i) In the light of a report from Ms C McElroy, that there was no *prima facie* basis for Student B's grievance and it should therefore be dismissed without further investigation.
- (ii) That a letter be sent to Student B acknowledging that the University might have shown greater sympathy and sensitivity during the student's illness and offering to confirm in University references that Student B's illness had been diagnosed since graduation, subject to the student's agreement.

- (b) Student C

Resolved:

In the light of a report from Ms C McElroy, that there was no *prima facie* basis for Student C's grievance and it should therefore be dismissed without further investigation.

- (c) Consideration of grievances at Council

Resolved:

That the Registrar and Secretary be asked to prepare guidelines on the presentation to Council of investigations into whether there is a *prima facie* basis for a grievance to Council, in the context of the wider review of grievance procedures which had been identified in the Report of the Effectiveness Review of the Council.

05/36 Pro-Chancellor's Items

Reported:

- (a) That the Remuneration Committee had met and made recommendations which would continue to improve pay for academic members of staff.
- (b) That investigations were ongoing into whether there was a *prima facie* basis for the grievance submitted by Student D, but it was intended to consider this case at the Special Meeting of the Council at the end of October.

05/37 Vice-Chancellor's Items

- (a) Admissions

Reported:

That undergraduate home and overseas recruitment targets appear to have been reached and that the early indications were that average A level scores had increased. Recruitment of home students to postgraduate taught programmes had risen, whilst there were fewer applications from overseas students, but a higher proportion of acceptances. Recruitment for research degrees had dropped amongst both home and overseas students, following a national trend.

Resolved:

That a full report on admissions for 2005/06 would be sent to Council members by the Academic Registrar later in the autumn term, once student registrations were confirmed, prior to discussion at the meeting of Council on 15 December.

- (b) Headship of the Centre for Lifelong Learning

Reported:

That the current Head of the Centre for Lifelong Learning, Professor W Henderson, was due to retire on 30 September 2005 and a replacement Head was required for the remainder of the Centre's transition process.

Resolved:

That Dr P Jones be appointed as Head of the Centre for Lifelong Learning from October 2005, notwithstanding the provisions of University Ordinance 3.16.2, which normally require appointment of a member of the academic staff to Headship of a School or Department.

- (c) Access Agreement

Reported:

That the Vice-Chancellor had written to the Office for Fair Access (OFFA) regarding the Government's recent decision to raise the state support threshold from £32K to £38K family income, rather than in line with inflation, noting that this could increase the cost of the University's bursary scheme by around £800K, since the University had committed to provide bursaries to all those eligible for some state support. The response from OFFA would be reported to the Strategy, Planning and Resources Committee and to the Council on 15 December.

05/38 Revised Model Statute (minute 05/19 refers)

Considered:

For the first time, proposed revisions to Statute 28 (the 'Revised Model Statute') and associated Ordinances (CO.05.09.07), governing the disciplinary, grievance and redundancy procedures for academic staff.

Reported:

That only minor changes had been made to the Statute and Ordinances since they were presented informally to Council in June 2005, following comments from the AUT, and informal feedback from the Privy Council had not raised any concerns.

Resolved:

- (a) For the first time, that the revisions to Statute 28 (the 'Revised Model Statute') and associated Ordinances be approved as set out in paper CO.05.09.07.
- (b) With reference to Statute 28, Part I, section 2.(5), that Parts III and IV of Statute 28 shall not apply to the Vice-Chancellor, with his concurrence.
- (c) That the proposal to consult those affected by the amendments to the Statutes, in accordance with the requirements of the Privy Council, by means of a dedicated website and other methods, be approved; it being noted that the outcome of the consultation will be taken into account when the revisions to the Statutes are considered by the Council for a second time in December 2005, together with feedback from the Senate and the Court.

05/39 Amendments to Statute 14: the Council (minute 05/20 refers)

Considered:

Amendments to Statute 14 governing the composition of the Council which put into effect the recommendations of the Report of the Review of the Effectiveness of the Council, approved in June 2005 (CO.05.09.08).

Resolved:

For the first time, that the revisions to Statute 14 governing the composition of the Council be approved as set out in paper CO.05.09.08.

05/40 Committees of the Council (minute 05/20(a) refers)

Considered:

- (a) amendments to the terms of reference of the Estates and Infrastructure Sub-Committee and the Strategy, Planning and Resources Committee (CO.05.09.09);
- (b) the membership of the Membership Committee of the Council for 2005/06, following amendments to the Committee's composition (CO.05.09.10);

in accordance with recommendations of the Report of the Review of the Effectiveness of the Council approved in June 2005.

Resolved:

- (a) That the revised terms of reference of the Estates and Infrastructure Sub-Committee be approved as set out in paper CO.05.09.09, subject to the following additional amendments:
 - (i) under item (c) the insertion of 'within the approved capital programme' after the first reference to £2M;
 - (ii) under composition, 'two other academic staff members (other than USMC members) appointed by Council', replacing 'other than Deans'.
- (b) That the revised terms of reference of the Strategy, Planning and Resources Committee be approved as set out in paper CO.05.09.09.
- (c) That the proposed membership of the Membership Committee of the Council be approved as set out in paper CO.05.09.10.

Reported:

That the Rt Rev Dr M Santer had indicated that the pressure of his current commitments did not permit him to accept the invitation to serve on the Estates and Infrastructure Sub-Committee and therefore the Membership Committee would undertake to identify a replacement lay member of Council to serve on the Sub-Committee.

05/41 Revised clinical contracts

Considered:

Revised conditions of employment for clinical academic staff holding honorary medical and dental consultant contracts in NHS hospitals, which had been approved by the AUT and the BMA (CO.05.09.11).

Resolved:

- (a) That the revised conditions of employment for clinical academic staff holding honorary medical and dental consultant contracts in NHS hospitals be approved as set out in paper CO.05.09.11.
- (b) That the funding provided via HEFCE for Additional Programmed Activities (as designated in the revised contract) be used to provide backdated pay to April 2004.
- (c) That the University would not make available any additional resources to fund backdated payments to April 2003 for Additional Programmed Activities.
- (d) That the University Strategic Management Committee be empowered to authorise the use of the funding provided via HEFCE for Additional Programmed Activities for backdated pay to April 2003, if these funds were found to be sufficient following further work to model the financial consequences of backdating pay to this date.

05/42 Clinical Sciences Research Centre

(COMMERCIAL IN CONFIDENCE)

05/43 Establishment of a new University Company

Considered:

A proposal to establish a 100% wholly owned subsidiary company of the University entitled Alta Cyclotron Services Ltd (CO.05.09.13), for the purpose of commercial exploitation of the cyclotron operated by the School of Physics and Astronomy, an initiative for which the School was to be congratulated.

Resolved:

- (a) That the proposal to establish a 100% wholly owned subsidiary company of the University entitled Alta Cyclotron Services Ltd be approved on the basis set out in paper CO.05.09.13.
- (b) That the initial Directors of Alta Cyclotron Services Ltd should be Mrs G Ball (Director of Finance), Dr D Parker (School of Physics and Astronomy), Dr J Craggs (member of Council) and that the Company Secretary should be Mr D Hartshorne (Finance Office).

05/44 Notice of an election for the office of Pro-Chancellor

Received:

A paper giving notice of the need to appoint a new Pro-Chancellor with effect from 1 August 2006 and outlining the procedure for the election, to be implemented prior to the next meeting of the Council (CO.05.09.14).

05/44 University Curator's Report

Received:

A copy of the University Curator's Report on the University's Collections (CO.05.09.15), with thanks to the Curator, Dr J Hamilton, for an extremely interesting and thorough report.

***Reported:* (by Dr P Borcherds)**

That some of the silver listed in the report, including the Robert Welsh candelabra, were bought by the Senior Common Room (SCR) and were paid for from members' subscriptions. The SCR (later known also as the Staff Club) was wound up in 1999, and transferred the ownership of its property, including the silver, to the Birmingham University Retired Members Association [BURMA].

Resolved:

That members be invited to submit to the Registrar and Secretary any suggestions regarding the possible relocation of the Edward VII statue, for consideration by the University's Look and Feel Group.

05/45 Reports submitted to the HEFCE

Received:

The following reports submitted to the HEFCE by 31 July 2005:

- (a) the Annual Monitoring Statement for 2004/05 (CO.05.09.16a);
- (b) the Financial Forecast 2005 (CO.05.09.16b);
- (c) the appendix to the Corporate Planning Statement 2005/06 which provides an update on progress against items identified in 2004/05; it being noted that the final draft of the

University Strategic Framework, as approved by Council on 30 June 2005, was submitted as the Corporate Planning Statement 2005/06 (CO.05.09.16c).

05/46 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.05.09.17).

05/47 HEFCE Assurance Service Review 2005/6

Reported:

That the HEFCE Assurance Service would visit the University to review high-level risk management, control and governance arrangements between 25 and 27 January 2006.

Resolved:

That the Registrar and Secretary be asked to arrange a meeting for the HEFCE auditors with the Pro-Chancellor and possibly other Council officers, subject to availability.

05/48 Items approved under the procedure for approval between meetings of Council

Received:

A list of items approved since the meeting of the Council on 30 June 2005, under the procedure for approval of business between meetings of Council (CO.05.09.18).

05/49 Capital Projects Update

Received:

A progress report on capital projects approved by Council (CO.05.09.19).

05/50 Any other business

Director of Personnel Services

Resolved:

That the Director of Personnel Services, Ms J Usherwood, be congratulated on her appointment to a new post as Secretary General of Universitas 21 and be thanked for the skilful and effective way she has managed the activity for the University and for valuable guidance she has provided to the Council on personnel matters.

05/51 Date of next meeting

Reported:

That the next ordinary meeting of Council would be held Thursday 15 December 2005, whilst a Special Meeting of Council would be convened in the interim, around the end of October 2005.
