

UNIVERSITY OF BIRMINGHAM

COUNCIL

4th February 2009

MINUTES

Members present: Professor J S Bale; Mr C N Banks CBE; Dr S Battle CBE ; Ms B Blow; 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); Mr D Hartnett CB; Professor J K Heath; Ms J Larbie (President, Guild of Students); Ms H Lazell (Vice-President (Democracy & Resources), Guild of Students); Dr N Price OBE; Dr S S Sahota OBE; Professor M C Sheppard (Vice-Principal); Professor M J H Sterling (Vice-Chancellor and Principal) Dr J S Taunque MBE

Also present: Mrs G Ball (Director of Finance); Mr A B Buckley (Assistant Director of Human Resources (Strategy and Policy)) for items 09/12 – 09/14 only; Professor L A Clark (Pro-Vice-Chancellor); Dr S J L Gower (Minute Secretary); Professor A Pauwels (Head of College); Mrs H Paver (Director of Human Resources) for items 09/05 and 09/10 only; Professor E W Peck (Head of College); Professor J I Petts (Pro-Vice-Chancellor); Professor A J Randall (Pro-Vice-Chancellor); Mr L Sanders (Registrar & Secretary); Professor N P Weatherill (Head of College); Dr James Wilkie, (Director of Research and Commercial Services) for item 09/07 only.

Apologies: Mrs M Cass; Ms C L McElroy; Mr G R Mackenzie OBE; Professor J M Marshall; Professor M C Press (Head of College); Hon Alderman D Roy; 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

09/01 Charities Act

Received:

A presentation from Mrs Carolyn Pike (Director of Legal Services)

COUNCIL BUSINESS MEETING

09/02 Minutes of previous meeting

Resolved:

That the minutes of the meeting held on 26 November 2008 (CO.09.02.01) be approved.

09/03 Matters arising not addressed elsewhere on the agenda

Legislation Review (08/060 refers)

Noted :

That the Privy Council had approved in December the Changes to the Charter and Statutes, with the exception of the proposed clause in the Statutes on the remuneration of lay members. This was the subject of ongoing discussion between the Privy Council Office and the Charity Commissioners and further advice was awaited.

09/04 Pro-Chancellor's Items

Reported: that

- (a) the Pro-Chancellor had inspected the register of interests, third party transactions and breaches of law and regulations, and that this was satisfactory. He thanked members of Council for their returns;
- (b) the Vice-Chancellor had been elected a Foreign Member of the Engineering Academy of the Czech Republic.

Resolved:

That the Vice-Chancellor be congratulated on this award.

09/05 Vice-Chancellor's Items

Received:

A report from the Pro-Chancellor on a number of items for information (CO.09.02.02) together with oral reports on the following additional matters.

Pay Negotiations

Received:

A copy of a letter from UCEA (dated 27th January 2009) to Heads of HEIs and HR Directors (CO.09.02.03a, tabled)

Reported: that

- (a) the data review published in December had underlined the trends in the sector and future financial constraints. UCU and the other unions were participants in the review. It had also shown that the perceived pay gap that existed before JNCHES had been addressed against a variety of benchmarks;
- (b) an email communication had been sent to all staff from UEB before Christmas, expressing concern at the 8% pay claim, noting the issue of the University's financial position and the consequent restraints;
- (c) as a follow-up, briefings on these matters, led by Heads of College, had taken place in January for all staff;
- (d) although nationally conciliation was continuing through ACAS, UCU was expected to ballot its members on industrial action imminently;
- (e) once the ballot was called a further letter would be sent from UEB to staff, with further

- factual information, urging members to vote in the ballot, and this would be supplemented by further College briefings;
- (f) a Steering Group continued to meet regularly to monitor the situation, and it was identifying the steps that could be taken to mitigate the effects on students of any possible action.

Resolved:

That the actions already undertaken and those proposed be endorsed.

Pebble Mill

Reported: that

- (a) a number of issues had arisen in relation to the siting of the medical technologies incubator unit at Pebble Mill, in particular in relation to the business plan for the project and whether under the Human Tissue Act it was permissible to deal with tissue samples away from the sites of the UHB and the Medical School;
- (b) the University continued to regard Pebble Mill as a site of strategic importance and would continue to discuss other possible uses, including as a possible science park.

Academic Health Sciences Centre

Reported: that

- (a) Academic Health Sciences Centres had arisen from the Darzi Review of the NHS, as a means of promoting closer collaboration between Universities and the NHS to improve patient care;
- (b) the University with UHB had been lead partners in a consortium bid;
- (c) the bid was one of seven shortlisted for further review in March.

Resolved:

That the University's involvement in the Academic Health Sciences Centre bid be supported, and the bid team be congratulated on being shortlisted.

STEM Programme

Reported: that

- (a) the University had been selected by HEFCE to host the prestigious National Higher Education Science, Technology, Engineering and Mathematics (STEM) Programme;
- (b) the programme aimed to promote the links between schools and HE in these subject areas and would enhance the Science City agenda.

09/06 RAE 2008 Outcome

Received:

A paper summarising the University's performance in the RAE 2008 exercise (CO.09.02.03)

Reported:

- (a) the University had submitted 1175 Category A staff in 49 Units of Assessment; that 57% of staff research activity had been rated at 3* and above (internationally excellent and world-leading) and 90% at 2* and above (international or better);
- (b) the Power Index developed by *Research Fortnight* (which reflected quality and quantity of research) ranked Birmingham twelfth in the country, and was likely to prove a more accurate indicator of future HEFCE funding;
- (c) outstanding results had been achieved in a number of units, most notably SportEx, Psychology and Music;
- (d) the University's position could be improved in future by a higher proportion of 4* activity and a smaller proportion of 1* or unclassified activity;
- (e) "Reasoned cases", comprising a narrative from each panel on their findings, were a valuable detailed analysis of strengths and weaknesses;
- (f) an analysis was being undertaken of the success of investment made since 2001;
- (g) it was important not only to reflect on these results, but to commence preparations for the next iteration of this process.

Resolved:

That the Report be received, noting that UEB was developing proposals for the future academic strategy, informed by the RAE results, which would be brought forward in due course.

09/07 Manufacturing Technology Centre

Considered:

A paper proposing approval of the University's participation in the special purpose vehicle (SPV), MTC Ltd, and of the submission of a proposal to AWM to establish the Manufacturing Technology Centre (MTC) (CO.09.02.04)

Reported:

- (a) Council had previously considered this matter at its July meeting and provisional approval had been given subject to the agreement of acceptable governance arrangements and the creation of a business plan that adequately protected the University's research interests, minimised financial, exposure and was consistent with any financial or resourcing commitment the University might wish to make;
- (b) these conditions had now been met
- (c) the MTC would be a key feature of the strategy for the College of Engineering and Physical Sciences.

Resolved: that

- (a) the creation of the new special purpose vehicle company be approved;
- (b) appropriate University Officers be authorised to sign relevant documentation.

09/08 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.09.02.05)

Reported: that

- (a) the current projected surplus for the year, at £32m, was above expectations;
- (b) the published accounts surplus of £10.4m was just over 2% of the University's annual turnover;
- (c) the financial position for 2008/09 appeared healthy;
- (d) costs were growing faster than income, and pay costs were a growing percentage of overall spend – in large part this was the result of this year's 8% pay settlement;
- (e) if income did not grow and the £30m surplus was to be achieved, savings of 2% would be required in 2009/10, and 5% in each of the succeeding years;
- (f) the University would be submitting a number of projects to HEFCE to bring forward capital expenditure to the 2009/10 session;

Noted:

That steps would continue to be taken to ensure staff appreciated the £30m surplus was required for reinvestment purposes.

Resolved:

That the Report be received.

09/09 Progress towards a smaller but better estate

Considered:

A report from the Pro-Vice-Chancellor (Estates and Infrastructure) and the Director of Estates on progress on the Selly Oak campus and proposed density of occupation on the Edgbaston campus (CO.09.02.06)

Reported: that

- (a) the strategic regeneration of the Selly Oak campus was based on the theme of creative media;
- (b) the plan proposed the necessary first steps towards a comprehensive and coherent programme which was anticipated for 2010.

Resolved:

That the Paper, including the future development of Selly Oak, be approved, and that the steps being taken to achieve improved density of building occupation be endorsed.

09/10 Safeguarding Children Policy

Considered:

A proposed Safeguarding Children Policy (CO.09.02.07)

Reported: that

- (a) the proposed Policy had been drawn up following extensive consultation;
- (b) the Policy was to be read in conjunction with the University's Health and Safety Policy;
- (c) following approval of the Policy local Child Protection Officers would be identified and provided with appropriate training.

Resolved:

That the Policy be approved.

09/11 Report of the Strategy, Planning and Resources Committee

Considered:

A report from the meeting of the Strategy, Planning and Resources Committee held on 20th January 2009 (CO.09.02.08)

Reported: that

- (a) the BPAS negative pledge had been time limited at the request of SPRC;
- (b) following receipt of due diligence reports it had been decided that the University should enter into no financial commitment in the Malvern Hills Science Park, particularly in view of the present economic climate.

Resolved:

That the Report be approved.

09/12 Report of the Membership Committee

Considered:

A paper from the Membership Committee (CO.09.02.09)

Resolved:

That the Report be approved.

09/13 Report from the Redundancy Committee

Considered:

A report from the Redundancy Committee (CO.09.02.10)

Reported: that

Mr Robert Halton had been proposed by the Membership Committee to serve as an additional Lay Member of the Redundancy Committee.

Resolved: to approve

- (a) Mr Halton's nomination as a Lay Member of the Redundancy Committee;
- (b) the recommendations in the Report, noting that it was Council's view that the new

Redundancy Panel to be established under the new Statutes, should include one lay member.

09/14 Staff Disciplinary Case - Report from an Enquiry Committee

Considered:

A recommendation from an Enquiry Committee in respect of a staff disciplinary case (CO.09.02.11)

Noted:

That a report on the case would be produced for the Audit Committee.

Resolved:

That the Report be deferred until the last member of the Enquiry Committee had had an opportunity to review the recommendations.

09/15 Staff Grievance

Considered:

A recommendation regarding the establishment of a Grievance Committee (CO.09.02.12).

Resolved:

That the Report be approved.

09/16 Student Grievance Cases

Received:

Reports on three student grievance cases (CO.09.02.13).

Noted:

That a report containing information on follow-up actions and any trends presented by such cases would be explored for presentation to Council on an annual basis.

09/17 Items approved between meetings of Council

Received:

A list of items approved since the meeting of the Council on 26th November 2008 (CO.09.02.14)

09/18 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.09.02.15)

09/19 Any Other Business

(a) Board of Alta Innovations Ltd.

Considered:

A paper regarding the membership of the Board of Alta Innovations Ltd. (CO.09.02.132).

Resolved:

That the Report be approved.

(b) Sustainability Highlights

Received: a copy of the Report.

09/20 Date of next meeting

Reported:

That the next meeting of the Council would take place on Tuesday 7th April 2009, at 2.00 pm in the Senate Chamber.