

UNIVERSITY OF BIRMINGHAM

COUNCIL

5 APRIL 2006

UNCONFIRMED MINUTES

Members: Mr R W Angell (President, Guild of Students); Professor J S Bale; Dr P H Borchers; 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 (from item 06/90); Mr W J Glover (Treasurer); Lord Hannay of Chiswick (Pro-Chancellor, in the Chair); Mr D Hartnett (up to item 06/98); Ms C L McElroy; Professor J Michie; Mrs L F Payne; Councillor D Roy (up to item 06/105); the Rt Rev Dr M Santer (from item 06/93 to 06/105); Professor M J H Sterling (Vice-Chancellor and Principal); Dr J S Taunke; Professor C R Thomas; Mr P J Ullathorne.

Also present: Mr D Ash (Deputy Director, Legal Services, up to item 06/95 only); Mrs G Ball (Director of Finance); Mr A Buckley (Assistant Director, Personnel Services, up to item 06/95 only); Professor L A Clark (Pro-Vice-Chancellor); Professor A M Cruise (Pro-Vice-Chancellor, from item 06/93 to 06/105); Miss S J Hordern (Minute Secretary); Professor A Hughes (Pro-Vice-Chancellor); Ms T Lancaster (Director of Marketing Services, for item 06/105 only); Dr J W Nicholls (Registrar and Secretary); Professor G E Petts (Pro-Vice-Chancellor); Ms S Primmer (Director of Communications).

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

06/89 Election to the Office of Treasurer from 1 August 2006

Considered:

A report from the Membership Committee of the Council concerning nominations received for election to the Office of Treasurer with effect from 1 August 2006 and recommending the appointment of Mr M G Gilbert (CO.06.04.01).

Resolved:

That Mr M G Gilbert be elected to the office of Treasurer for a four year term of office from 1 August 2006 to 31 July 2010.

06/90 Minutes of previous meeting

Resolved:

That the minutes of the meeting held on 15 December 2005 (CO.06.04.02) be approved.

06/91 Matters arising not addressed elsewhere

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

Reported:

That the Joint Union Committee, on behalf of BPAS members, had approved four different packages of benefit structures from which members could choose, generating the required £17.8m contribution towards remedying the BPAS funding shortfall.

Resolved:

That the Director of Finance and her office be thanked for their work in negotiating with the BPAS trustees, members and the Joint Union Committee in order to agree the revised BPAS benefit structures.

- (b) Revised Model Statute and Associated Ordinances (minute 05/67 refers)

Reported:

- (i) That it had not been possible to finalise the proposed revisions to Ordinances associated with the Revised Model Statute in time for the April meeting of Council but it was intended that, subject to the continuing co-operation of the Birmingham AUT, they might be presented to Council for approval at its meeting on 4 July 2006.
- (ii) That, at its meeting on 4 July, the Council would review the situation with respect to the Redundancy Committee.

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

Reported:

That the proposed amendments to Statute 14, governing the composition of the Council, had recently been approved by the Privy Council and would therefore take effect on 1 August 2006.

- (d) Appeals against decisions taken under section 28 of the Statutes (minute 05/69 refers)

Reported:

That Ms Sara Woofenden of Bevan Brittan LLP and Ms Diane Gilhooley of Eversheds had agreed 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 to the end of 2006 in the first instance.

- (e) Appeal against the decision of a Discipline Committee (minute 05/72 refers)

Received:

A report from the Registrar and Secretary on his investigation into the wider issues and recommendations raised by a Committee which heard the appeal of student E against the decision of a Discipline Committee (CO.06.04.03), noting in particular that Appeal Committees will in future be given guidance on avoidance of double jeopardy and that a review of the range of penalties imposed by Discipline Committees was underway.

- 06/92 Pro-Chancellor's Items

Received:

A report from the Pro-Chancellor on a number of items for information (CO.06.04.04).

Resolved:

That the arrangements for prolongation of the Vice-Chancellor's contract be endorsed as set out in the Pro-Chancellor's letter to Council members of 20 March 2006 concerning the decisions of the Remuneration Committee in this regard.

06/93 Vice-Chancellor's Items

Considered:

A report from the Vice-Chancellor under the following headings (CO.06.04.05):

(a) Headships of Schools

Resolved:

That the following appointments and re-appointments to Headships of Schools be approved:

- Professor P Alcock, re-appointed Head of the School of Social Sciences to 31 July 2008, with the possibility of extension to 31 December 2008;
- Professor G Humphreys, re-appointed Head of the School of Psychology to 31 July 2008;
- Professor A Arnull, appointed Head of the School of Law to 31 July 2009;
- Professor E Peck, appointed Head of the School of Public Policy to 31 July 2009.

(b) AUT national pay dispute

Resolved:

- (i) That the action being taken by the University with regard to the AUT pay dispute be endorsed, including the arrangement of an additional meeting of the Senate to approve special assessment arrangements to ensure that students are not disadvantaged by the dispute.
- (ii) That, following approval of the 2006/07 budget, the University be encouraged to inform all staff of the extent to which additional tuition fee income in 2006/07 will be used to enhance pay and conditions through the new pay Framework Agreement and other ways.

(c) The Chancellor's Budget (March 2006)

Reported:

- (i) That the Chancellor's 2006 Budget included plans for a radical simplification of research funding for higher education and a consultation in May 2006 on the government's preferred option of a metrics-based system for assessment of research quality and allocation of QR funding, post RAE 2008, which would report in autumn 2006.
- (ii) That there was the possibility of the sector being invited to opt for different assessment mechanisms for different subjects within the RAE 2008, and science, technology, engineering and medicine were likely to substitute peer review for assessment based on metrics such as research grant and contract income.

- (iii) That the Russell Group did not wish to rule out the possibility of changes to the RAE 2008 and was supportive of a revised system for assessment of research quality after the RAE 2008.

06/94 Report of the Redundancy Committee (minute 05/71 refers)

(CONFIDENTIAL)

[The following declared an interest in this case, for the reasons stated and did not participate in the Council's decision:

- Deputy Pro-Chancellor, the Treasurer and Mr F D Brooks - members of the Redundancy Committee
- The Registrar and Secretary - gave evidence to the Redundancy Committee
- Dr P Borchers – acquainted with the individual in question via previous AUT membership]

Received:

An oral report from the Pro-Chancellor confirming the sequence of events relating to consideration of the possible redundancy of a member of staff in Information Services, as set out in paper CO.06.04.06, noting in particular that on 20 April 2005 the Council had:

- (i) *endorsed* the recommendation as set out in paper CO.05.04.05 that there should be a reduction in the academic staff in Information Services; and
- (ii) *resolved* that a Redundancy Committee be convened under the terms of Statute 28, Part II, to consider the case for redundancy of an individual in Information Services.

Considered:

- (a) A report from the Redundancy Committee following the hearing, on 26 January 2006, of the case for the possible redundancy of the Special Projects Officer in Information Services (CO.06.04.06).
- (b) A letter from the Birmingham branch of the Association of University Teachers (BAUT) dated 29 March 2006, recommending that the Special Projects Officer in Information Services not be made redundant (second circulation on 30 March 2006).
- (c) A letter from the Special Projects Officer in Information Services, dated 29 March 2006, requesting to address the Council meeting, together with a reply from the Registrar and Secretary, on behalf of the Pro-Chancellor, stating that a written statement could be submitted instead of attendance in person, also dated 29 March (second circulation on 30 March 2006).
- (d) A written submission to the Council from the Special Projects Officer in Information Services, dated 3 April 2006 (third circulation on 4 April 2006).

Received:

An oral report from the Deputy Pro-Chancellor, as Chair of the Redundancy Committee noting:

- (a) The issues addressed by the Committee and the conclusions reached.
- (b) That the letter of 29 March 2006 from the BAUT and the letter of 3 April 2006 from the Special Projects Officer in Information Services did not raise any matters

relevant to the case for redundancy which had not been previously addressed and that therefore the Redundancy Committee's recommendation of dismissal by reason of redundancy remained unaltered.

- (c) That the above two letters referred to the findings of a routine Occupational Stress Measure (OSM) survey conducted in Information Services in autumn 2005, which had been published subsequent to the Redundancy Committee hearing on 26 January 2006.
- (d) That issues of stress had already been considered by the Redundancy Committee and that the OSM survey report would be considered by the University's Stress Review Group and possibly also by the Joint Safety Advisory Committee if there were any issues of serious concern, in accordance with standard procedure.

Resolved:

Following a discussion in which all aspects of the recommendations of the Redundancy Committee and the submissions from the BAUT and the Special Projects Officer in Information Services were thoroughly considered:

- (a) That the post of Special Projects Officer in Information Services be declared redundant;
- (b) That the holder of the post of Special Projects Officer in Information Services be dismissed with effect from 13 April 2006 on grounds of redundancy;
- (c) That the Vice-Chancellor be authorised to give notice of intended dismissal to the holder of the post of Special Projects Officer in Information Services in accordance with the following provisions of Statute 28 Part II section 12:

'Each separate notice shall sufficiently identify the circumstances which have satisfied the appropriate body that the intended dismissal is reasonable and in particular shall include –

- a. a summary of the action taken by the appropriate body under this Part;
- b. an account of the selection processes used by the Redundancy Committee;
- c. a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
- d. a statement as to when the intended dismissal is to take effect.'
- (d) That the Council be provided at a future meeting with a summary report of the University's consideration of the OSM survey in Information Services, together with a report of sickness-related absences in Information Services in comparison with other areas of the University.

06/95 Matters arising from the Report of the Redundancy Committee

Considered:

Annex B to the Report from the Redundancy Committee (tabled), containing the Committee's reflections on generic issues arising from consideration of the possible redundancy of the Special Projects Officer in Information Services.

Resolved:

That the Registrar and Secretary be invited to consider the recommendations of the Redundancy Committee as set out in Annex B of its report and to provide a response to the Council in due course.

06/96 Grievances submitted to Council

(a) Grievance submitted by student F

Resolved:

- (i) In the light of a report from Ms C McElroy, that there was no *prima facie* basis for student F's grievance and it should therefore be dismissed without further investigation.
- (ii) That the Registrar and Secretary be asked to investigate the wider issues raised in the course of Ms McElroy's investigation and to report back to a future meeting of Council.
- (iii) That Ms McElroy be thanked for her work in investigating, on behalf of the Council, into whether there was a *prima facie* case for the grievance submitted by student F to Council.

(b) Grievance submitted by student G

Reported:

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

Resolved:

That Ms McElroy's report of her investigation into student G'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 July 2006, it being noted that the matter would be deferred for consideration at the meeting in July 2006 if any member wished to have further discussion of the process of the investigation or the conclusions drawn.

06/97 Re-appointment of the Chancellor (minute 05/64 refers)

Considered:

A paper setting out the procedure for proposing an extension to the current Chancellor's term of office, which was due to end on 31 July 2007 (CO.06.04.07).

Resolved:

That the Council take upon itself the power to recommend to the Court the re-appointment of the Chancellor, in accordance with Ordinance 3.1, rather than appoint a committee for that purpose.

Recommended: (to the University Court)

That the appointment of Sir Dominic Cadbury as Chancellor of the University be extended for a further five years to 31 July 2012.

06/98 Incorporation of the Russell Group

Considered:

The proposed Memorandum and Articles of Association for the incorporation of the Russell Group as a company limited by guarantee and not having any share capital (CO.06.04.08).

Resolved:

- (a) That the University's membership of the Russell Group of Universities Limited be approved.
- (b) That the Vice-Chancellor be appointed a Director of the Russell Group of Universities Limited.

06/99 Report from the Membership Committee of the Council

Considered:

A report from the meeting of the Membership Committee of the Council on 20th March 2006 containing recommendations for appointment of lay members to the Council (CO.06.04.09).

Resolved:

That Ms Sue Battle, Ms Bridget Blow and Dr Sarindar Singh Sahota OBE be invited to be appointed as lay members of the Council with effect from 1 August 2006, it being noted that if the invitations were accepted there would be no vacancies in the lay membership of the Council as at 1 August 2006.

06/100 Annual Report from the Council to the Court

Resolved:

That the annual report from the Council for the period from June 2005 to April 2006 be approved for submission to the meeting of the University Court on 8 June 2006 (CO.06.04.10).

06/101 Option Appraisals and Capital Projects Update

Received:

A progress report on capital projects approved by Council and monitored by the Estates and Infrastructure Sub-Committee (CO.06.04.11).

Considered:

Recommendations from the University Strategic Management Committee regarding option appraisals for addressing problems with the Gisbert Kapp and Metallurgy and Materials buildings and the Muirhead Tower (CO.06.04.11), it being noted that:

- (a) work on the Gisbert Kapp and Metallurgy and Materials buildings had already been approved by the Council as part of the capital plan, but the Council was required by the HEFCE to consider detailed option appraisals;
- (b) the Council had previously approved a budget of £39m for work on the Muirhead Tower and was now asked to approve additional expenditure of £2.7m.

Resolved:

- (a) that the Gisbert Kapp building be given limited refurbishment at an estimated cost of £18m (2006 prices), with essential work to be commenced in the summer against the current allocation of £10.5m.
- (b) that the Metallurgy and Materials building be given limited refurbishment at a cost of £12m (2006 prices), with work to commence in the summer against the current allocation of £4.5m.
- (c) that the Muirhead Tower be refurbished fully at an estimated cost of £42.3m (including the £2.7m additional expenditure).

06/102 A bid to the Higher Education Innovation Fund and establishment of a company

Considered:

A paper outlining the 'InnovationXchange' bid to the Higher Education Innovation Fund (HEIF) and noting the possible need, if the bid to the Higher Educational Innovation Fund were successful, for establishment of a new company limited by guarantee before the next meeting of the Council in July 2006 in order to fulfil the purposes of the bid (CO.06.04.12).

Resolved:

That the Vice-Chancellor and the Registrar and Secretary be given the Council's delegated authority to establish a not for profit company limited by guarantee associated with the InnovationXchange HEIF bid, as described in paper CO.06.04.12, should the need arise before the meeting of the Council in July 2006.

06/103 Constitution of the Guild of Students

Considered:

Proposed minor amendments to the constitution of the Guild of Students (CO.06.04.13) in order to:

- (a) allow the Guild of Students to issue non-sabbatical life membership to non-sabbatical officers on completion of their term of office;
- (b) allow sabbatical officers of the Guild of Students to run for a second term;
- (c) bring the constitution of the Guild of Students into line with University legislation so that students would only be allowed to serve as officers for one year if they were on leave of absence from their programme of study.

Resolved:

That the amendments to the constitution of the Guild of Students be approved with immediate effect, as set out in paper CO.06.04.13.

06/104 Report from the Senate

Considered:

A report from the meeting of the Senate held on 22 March 2006 (CO.06.04.14), noting in particular the Birmingham Science City initiative and the associated bids which would be submitted to Advantage West Midlands, in collaboration with the University of Warwick, for £60-80m capital funding over 3-4 years.

Resolved:

- (a) That the amendment to Ordinance 5.6 (Misconduct where Fitness to Practise applies) be approved with immediate effect as set out in paper CO.06.04.14, to include an additional section to allow a Head of School, in consultation with the University Medical Officers, to suspend a student from attending placements.
- (b) That the Vice-Chancellor be invited to provide a report to the University Court on 8 June 2006 regarding the University's plans for research collaboration with the University of Warwick under the Birmingham Science City Initiative, which were welcomed by the Council.

06/105 Update on Admissions for 2006/07

Received:

A report on undergraduate and postgraduate applications in the 2005/06 applications round, including comparative analysis of applications nationally and in relation to other institutions (CO.06.04.15) together with an oral report from the Director of Marketing Services, noting the following key points:

- (a) the 2005/06 applications round had shown unusual fluctuations in response to the introduction of £3000 tuition fees in September 2006, with large variances between Schools, but the overall level of applications to the University between 2004 and 2006 was relatively stable;
- (b) some Schools might have difficulty in meeting their recruitment targets but efforts would be made to maintain the quality of the intake;
- (c) the University had experienced a fall in overseas undergraduate applications and consequently more effort would be devoted to improving the University's overseas profile, tailoring marketing activity to different countries and developing a 5-7 year business plan for international recruitment;
- (d) there had been increases in home and overseas applications to postgraduate taught programmes and home applications to postgraduate research programmes and a modest decrease in overseas applications to postgraduate research programmes;
- (e) the University's scholarships and bursaries will be reviewed in the light of an assessment of the impact of means-tested and attainment-based scholarships and bursaries upon home applications across the higher education sector.

Resolved:

That the Director of Marketing Services and the Director of Admissions be thanked for an extremely detailed and valuable analysis of applications.

06/106 Projected Financial Outturn for the year ending 31 July 2006

Received:

An updated report assessing the University's projected outturn for the year ending 31 July 2006, in comparison with the budget for the year to 31 July 2006 (CO.06.04.16), it being noted that:

- (a) there had been an improvement in the financial forecast since the December 2005 meeting of the Council, with a surplus of £10m now being predicted, representing around 3% of income;
- (b) capital expenditure had reduced, although not on any critical schemes, and a lower cash outflow was now predicted;
- (c) the projected deficit for academic Schools had reduced by £1.9m.

06/107 HEFCE Grant Letter summary

Received:

A report summarising the letter received from the HEFCE announcing the University's grant settlement for 2006/07 (CO.06.04.17), it being noted that the University had maintained its position nationally, with its settlement representing 2.08% of the funding for the sector, a slight increase on 2.05% last year and with an improved position relative to competitor institutions. The grant was about £800K above the financial forecast, but still included an efficiency gain.

06/108 Report from the Strategy, Planning and Resources Committee

Received:

A report from the meeting of the Strategy, Planning and Resources Committee held on 20 March 2006 on a number of items for information (CO.06.04.18).

06/109 Sustainability Framework

Received:

A copy of the Sustainability Framework approved by the Pro-Chancellor for submission to the HEFCE in January 2006 (CO.06.04.19).

Resolved:

That the Sustainability Framework be considered in more detail at the meeting of the Council in September 2006, possibly as part of the Vice-Chancellor's annual presentation to the Council.

06/110 Report from the Audit Committee

Received:

A report of the meeting of the Audit Committee held on 14 March 2006 (CO.06.04.20).

Resolved:

That the Registrar and Secretary and the Director of Finance be invited to raise at a meeting of the AUT Joint Negotiating Committee the importance of increasing the number of Transparency Review and Costing (TRAC) returns, it being noted that some £4m of University funding could be at risk if sufficient returns are not made.

06/111 Development Executive Committee

Received:

A report of the meetings of the Development Executive Committee held on 11 January and 17 March 2006 (CO.06.04.21), noting in particular the establishment of a new Advisory Council which provides advice on development projects.

06/112 Talis Information Ltd

Received:

A report concerning the reconstruction of Talis Information Ltd, the vendor of the University's Library Management software, in which the University is a shareholder (CO.06.04.22).

06/113 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.06.04.23).

06/114 Date of next meeting

Reported:

That the next meeting of the Council would be held on 4 July 2006.
