

## UNIVERSITY OF BIRMINGHAM

## COUNCIL

30th November 2016 at 9.00am

## MINUTES

Members present: Mr Ed Smith CBE (Pro-Chancellor, in the Chair); Mr Derrick Anderson; Ms Rose Bennett (Postgraduate Officer); Dame Christine Braddock; Mr David Davies OBE; Mr Martin Devenish; Professor Sir David Eastwood (Vice-Chancellor and Principal); Mr Malcolm Harbour CBE; Mr Richard Haywood (Deputy Pro-Chancellor); Professor Tim Jones (Provost and Vice-Principal); Dame Lin Homer; Ms Ellie Keiller (President of the Guild of Students); Professor Hisham Mehanna; Mrs Caragh Merrick (Treasurer); Dame Una O'Brien; Professor Karen Rowlingson; Professor Corey Ross; Dr Ranjit Sondhi CBE; Mr David Stead.

Also present: Professor David Adams (Pro-Vice-Chancellor and Head of College); Professor Kathleen Armour; Mr Alan Davey CBE; Mr Chris Granger (Director of Finance); Professor Robin Mason (Pro-Vice-Chancellor (International)); Mr Stephen McAuliffe (Academic Registrar) - for Minutes 16/86 and 16/87; Mrs Colette McDonough (Assistant Secretary); Professor Myra Nimmo (Pro-Vice-Chancellor and Head of College); Mr Lee Sanders (Registrar and Secretary); Professor Andy Schofield (Pro-Vice-Chancellor and Head of College); Professor Tim Softley (Pro-Vice-Chancellor); Professor Michael Whitby (Pro-Vice-Chancellor and Head of College).

Apologies: Professor Saul Becker (Pro-Vice-Chancellor and Head of College); Professor Peter Fryer; Sir Terry Morgan.

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

16/78 Minutes of previous meeting

**Resolved:** that the minutes of the meeting of Council held on 5th October 2016 be approved (CO.16.11.01), subject to the addition of Professors Corey Ross and Karen Rowlingson to the list of those who attended the meeting.

16/79 Matters Arising

(1) Minute 16/64, Battery Park

**Reported:** that the acquisition of land at Battery Park had been delayed, pending completion of remediation work to address contamination of the site.

(2) **[NOT FOR PUBLICATION]**

16/80 Pro-Chancellor's Items

**Considered:** the report of the Pro-Chancellor on the one-to-one meetings held over the Summer (CO.16.11.02).

**Reported** that:

- (a) the overall tenor of the feedback from the one-to-one meetings with members of Council had been positive and constructive. There was a strong consensus amongst members of Council that governance was strong and individual comments/suggestions made were in pursuit of Council's commitment to continuous improvement;
- (b) the format of the one-to-one meetings would be reviewed in advance of the next round in Summer 2017.

16/81 Vice-Chancellor's Items

**Considered:** a report from the Vice-Chancellor (CO.16.11.03).

- (1) AHUA

**Reported:** that Council congratulated Lee Sanders, Registrar and Secretary, on his election as Chair of the Association of Heads of University Administration (AHUA) from 1st January 2017.

- (2) Higher Education and Research Bill

**[NOT FOR PUBLICATION]**

- (3) International Strategy

**Reported:** that development of the University's International Strategy was being led by the Pro-Vice-Chancellor (International) and would be considered by Council at its Strategy Day in April 2017.

- (4) **[NOT FOR PUBLICATION]**

- (5) Home Office Visa Compliance

**Reported** that:

- (a) the Home Office Immigration Audits of compliance with Tier 2 (Work), Tier 4 (Study) and Tier 5 (Visitors) visa requirements had been completed. Oral feedback from the Home Office was positive and confirmed that the University was compliant with its sponsorship requirements. Written reports were expected in 6 to 8 weeks;
- (b) preparation for the audits had involved a huge amount of work for staff across the University, noting also the exemplary support provided by Eversheds. A lunchtime event was being held on 2nd December 2016 to thank staff for their work;
- (c) **[NOT FOR PUBLICATION]**
- (d) the University was reflecting on lessons learnt from the audits and was taking the opportunity to make any further enhancements to its systems and processes.

**Noted:** the positive outcome of the audits and that Council expressed its appreciation of the huge amount of work undertaken by staff across the University.

16/82 Enhancing the Birmingham Research Environment

**Considered:** a document promoting enhancement of the Birmingham Research Environment (CO.16.11.04).

**Reported** that:

- (a) a top priority for the University was to raise the quality and global impact of its research. The creation of a strong culture and research environment for the University's researchers would make a fundamental contribution to achievement of this priority;
- (b) the Pro-Vice-Chancellor (Research and Knowledge Transfer) had drafted 'Enhancing the Birmingham Research Environment' to identify some of the characteristics of the research environment which the University aspired to and how progress could be made towards success in creating the desired culture and research achievement;
- (c) Heads of School had been asked to consider the document and report by 13th December 2016 on the actions their School intended to take, as well as possible actions by the College or the University. Their responses would be considered by the Research Committee in the New Year and a further update provided to Council in due course;
- (d) members of Council welcomed the document. **[NOT FOR PUBLICATION]**

16/83 National Student Survey (NSS) - 2016 Results and Strategy for 2017

**Considered**: a report summarising the NSS results for 2016 and actions arising for NSS 2017 (CO.16.11.05).

**Reported**:

- (a) that the University was currently ranked equal 7th in the Russell Group in the NSS for overall satisfaction, with the score improving to 89% from 88% in 2015;
- (b) raising the performance of the University in the NSS remained a key priority;
- (c) **[NOT FOR PUBLICATION]**
- (d) **[NOT FOR PUBLICATION]**
- (e) that the Pro-Vice-Chancellor (Education) had developed a new approach to NSS action planning, including earlier development of Schools' Education Plans and the strengthening of management of the NSS at School level by confirming a greater role of Heads of Schools and Education in the process;
- (f) although the introduction of the 15-day turnaround had improved the metric on the timely provision of student feedback, there remained scope for improvement of the metrics related to student feedback quality and the University would continue to address this for the 2017 NSS;
- (g) the arrangements which had been put in place to encourage student participation in the NSS.

**Resolved**: that the response of the University to the NSS results for 2016 and the strategy for NSS 2017 be endorsed, noting in particular the importance of proactive management and ownership of the NSS at School level as set out at (c) to (e) above.

16/84 Annual Report – First Year of the University of Birmingham School

**Reported**: that consideration of the annual report on the first year of the University of Birmingham School (CO.16.11.06) had been deferred to the February 2017 meeting of Council.

16/85 Strategy, Planning and Resources Committee

**Considered**:

- (a) the report of the meetings of the Strategy, Planning and Resources Committee held on 11th October and 8th November 2016 (CO.16.11.07);

(b) the update on the financial status of the Capital Plan to provide background context for the proposals set out at (1) to (5) below (CO.16.11.12).

(1) ***[NOT FOR PUBLICATION]***

(2) Refurbishment of Frankland Building / Re-purposing of Harding Law Library

**Considered:** refurbishment of the Frankland building and re-purposing of the Harding Law Library at a total cost of £16.4m (CO.16.11.09).

**Resolved:** that the refurbishment of the Frankland building and re-purposing of the Harding Law Library be approved at a total cost of £16.4m as set out in Paper CO.16.11.09.

(3) Refurbishment of the Old Gym

**Considered:** the proposed refurbishment of the Old Gym (CO.16.11.10).

**Resolved:** that Option 2 for refurbishment of the Old Gym at a total cost of £12.73m (comprising £11.1m for the project and additional risk allowance of £1.63m) be approved as set out in Paper CO.16.11.10.

(4) Update on Tender Returns and Construction Project Budgets for the Hotel & Conference Centre and the Collaborative Teaching Laboratory

**Considered:** revision of the construction budgets for the Hotel and Conference Centre and the Collaborative Teaching Laboratory (CO.16.11.11).

***[NOT FOR PUBLICATION]***

**Resolved** that:

- (i) the budget for the Hotel and Conference Centre be increased by £5m from £35.9m (approved by Council in April 2016) to £40.9m;
- (ii) the budget for the Collaborative Teaching Laboratory be increased by £3m from £37.5m (approved by Council in November 2015) to £40.5m.

(5) ***[NOT FOR PUBLICATION]***

(6) Changes to Endowments  
Extension of Scope of Amphlett China Trust  
Appointment of Trustee for Sir Samuel Hanson Rowbotham Will Trust

**Considered:**

- (a) the proposed extension of the scope of the Amphlett China Trust;
- (b) the appointment of Richard Shortland, the University's Head of Treasury Management and Investments as a trustee for the Sir Samuel Hanson Rowbotham Will Trust and a designated officer and representative of the University authorised to exercise all of its powers as a member of Waterloo House (Birmingham) Limited (Appendix 1 to Paper CO.16.11.07).

**Resolved** that:

- (i) the extension of the scope of the Amphlett China Trust and the appointment of a trustee for the Sir Samuel Hanson Rowbotham Will Trust and the two resolutions set out at Appendix 1 to Paper CO.16.11.07 be approved;
- (ii) two members of Council (the Pro-Chancellor and Vice-Chancellor) be

- (iii) authorised to sign the resolutions;  
the Registrar and Secretary be authorised to approve any final documentation required to implement the resolutions on behalf of Council.

16/86 Report of Senate

(1) HEFCE Annual Provider Review

**Considered:** an annual report from Senate on teaching quality and standards in accordance with a new requirement introduced by HEFCE this year called 'Annual Provider Review' (CO.16.11.14).

**Reported** that:

- (a) successful completion of the Annual Provider Review was a prerequisite of entry into the TEF;
- (b) under the University's legislation, it was the Senate which had responsibility for teaching, quality and standards. This was a very important point of principle in Universities like Birmingham. Therefore, this report had been considered first by Senate, for recommendation to Council;
- (c) the University's academic quality and standards had recently undergone external scrutiny as part of the QAA Higher Education Review. This robust independent process awarded the University two commendations – the highest rating available – together with 9 features of good practice that mapped across the quality of its academic offer. Exceptionally, the University had also received no recommendations for improvement. This was the best outcome achieved by any university that had been assessed through this process. Council could take significant reassurance from this very strong result;
- (d) Council already spent significant time considering the University's education performance.

**Resolved** that:

- (i) the annual report Senate on teaching quality and standards at Paper CO.16.11.14 be approved;
- (ii) Council provide assurance and confirmation to HEFCE as a part of the University's Annual Accountability Returns that:
  - (a) the governing body has received and discussed a report and accompanying action plan relating to the continuous improvement of the student academic experience and student outcomes. This included evidence from the provider's own periodic review processes, which fully involve students and include embedded external peer or professional review;
  - (b) the methodologies used as a basis to improve the student academic experience and student outcomes are, to the best of our knowledge, robust and appropriate;
  - (c) the standards of awards for which we are responsible have been appropriately set and maintained.

(2) Report of Senate

**Considered:** the report from the meeting of Senate held on 9th November 2016 (CO.16.11.15).

**Resolved** that:

- (i) the proposed revisions to the University's Code of Practice for Research be approved as set out at Appendix A to Paper CO.16.11.15;

- (ii) the University's Annual Research Integrity Statement for 2015/16 be approved as set out at Appendix B to Paper CO.16.11.15.

16/87 Annual Prevent Report to HEFCE

**Considered:** the University's Annual Report on Prevent, including the University's Risk Assessment and Action Plan (CO.16.11.16).

**Reported:**

- (a) that the Counter Terrorism and Security Act 2015 placed an obligation on the University to "have due regard to prevent people from being drawn into terrorism" (the Prevent Duty). HEFCE had been delegated with the statutory function of Monitoring Authority for higher education;
- (b) that Council would recall that the Prevent Duty had been considered regularly at Council meetings since February 2015 when the Act received Royal Assent. Council approved the University's initial Risk Assessment and Action Plan in November 2015. This was submitted to HEFCE in April 2016, following which HEFCE confirmed that the University had demonstrated it had regard for its Prevent Duty with no further actions required at that time. This was a positive endorsement of the University's measured approach given we had no follow-up questions or required actions;
- (c) that HEFCE required universities to provide an Annual Report on Prevent and a revised Risk Assessment and Action Plan every year;
- (d) that the University took a balanced approach to meeting the requirements of its Prevent Duty, considering issues in the context of student vulnerability and working closely with the Guild of Students to implement this approach;
- (e) the significant amount of work involved, noting that 650 events had been considered during the year in accordance with the University's policy on Freedom of Speech and External Speakers, of which 7 had been identified as requiring scrutiny at senior level due to the potential risk involved but none had been cancelled;
- (f) the arrangements in place for staff engaged with Prevent in accordance with the targeted approach to training agreed by Council. 171 staff had attended training sessions and an online training module was also being developed.

**Resolved:** that the University's Annual Report on Prevent, including the University's revised Risk Assessment and Action Plan, be approved as set out in Paper CO.16.11.16.

16/88 Report of Audit Committee

**Considered:** the annual report of Audit Committee and a report from the meetings of the Audit Committee held on 4th October and 15th November 2016 (CO.16.11.17).

**Reported:**

- (a) the opinion of the Audit Committee that:
  - 'Based on the information and explanations provided to the Committee, including the reports and opinions received from Internal and External Auditors, the Committee is satisfied that during 2015/16 and up to the date of this Report:
  - (i) the University's risk management and internal control and governance arrangements taken as a whole, including in respect of data provided by the University to HEFCE, HESA and other public bodies, are adequate and effective;
  - (ii) suitable arrangements are in place to secure economy, efficiency and effectiveness within the constraints of procurement guidelines;

- (iii) the statements on corporate governance and internal control included in the Annual Financial Statements fairly reflect the systems that exist, including their inherent limitations; and
- (iv) the Responsibilities of the Council as stated in the Annual Report as regards the financial statements have been adequately discharged';
- (b) that Jon Darling, the new Head of Internal Audit, had joined the University in the Summer and was in the process of reviewing the operation of the internal audit function;
- (c) the challenge presented by the transition to FRS102 for preparation of the 2015/16 Annual Accounts, noting that the Director of Finance and his team were thanked for their work on this;
- (d) that the University's External Audit Partner, David Hall from Deloitte, was retiring in January 2017 and would be replaced by Craig Wisdom;
- (e) that the University was seeking a further co-opted member with expertise in IT;
- (f) that a self-assessment of the Committee would commence in March 2017 to allow time for the new member of the Committee, Dame Lin Homer, and the new Head of Internal Audit, Jon Darling, to settle in to their new roles;
- (g) that the University's Strategic Risk Register was submitted to Council in February each year, to Audit Committee in October and March each year and to UEB on a quarterly basis.

**Resolved:** that Deloitte be re-appointed as the University's External Auditor for the 2016/17 financial year.

16/89 Annual Report and Accounts for the year ending 31st July 2016

**Considered:** the Annual Report and Accounts for the year ending 31st July 2016 at Paper CO.16.11.18 which comprised:

- (a) a summary of the adjustments made to the Accounts since earlier versions were circulated to SPRC and Audit Committee (Appendix 1);
- (b) the final version of the University's Annual Report and Accounts for the year ending 31st July 2016 (Appendix 2);
- (c) the draft University letter of representation for submission to the External Auditor (Appendix 3).

**Reported:**

- (a) that the Annual Report and Accounts had been subject to a high degree of scrutiny, including consideration by Audit Committee and SPRC, and reflected a robust financial performance for 2015/16;
- (b) the complexity of format required by the new accounting standard, FRS102, presented challenges for the University in terms of communicating the key aspects of its financial performance to its stakeholders. Indeed, the University would need to place greater emphasis on the reporting of its cash position as a result of this;
- (c) a member of Council drew attention to the number of staff with remuneration above £100k as reported at Note 7, Staff Costs, enquiring whether other forms of reward, such as the appointment of PhD students for leading academics, were deployed by the University. Council noted that:
  - (i) other forms of reward were used for academic staff;
  - (ii) the University was in a competitive global market for academic talent and needed to pay competitive salaries to recruit, retain and reward high performing staff;
  - (iii) a large number of the staff earning over £100k were on NHS salaries;
  - (iv) Remuneration Committee had oversight of senior staff remuneration, operating a robust process linked to staff performance, and routinely

benchmarked remuneration with the University's competitors.

**Resolved** that:

- (i) the Annual Report and Accounts for the year ended 31st July 2016 be approved as set out at Appendix 2 to Paper CO.16.11.18 for signature and release, confirming that Council had discharged its corporate governance responsibilities;
- (ii) the University letter of representation be approved as set out at Appendix 3 to Paper CO.16.11.18 for signature and submission to the University's External Auditors.

16/90 Annual Accountability Returns

**Resolved:** that the following documents be approved for submission to HEFCE as part of the University's Annual Accountability Returns (CO.16.11.19):

- (a) Financial Commentary;
- (b) Annual Sustainability Assurance Report;
- (c) Annual Assurance Report.

16/91 Effectiveness Review of Council: Progress Report

**Resolved:** that progress with implementation of the recommendations of the 2015 Effectiveness Review of Council be approved as set out in Paper CO.16.11.20.

16/92 Widening Participation and Access Activity Update

**Received:** an update on the University's widening participation activity as requested at the meeting of Council on 5th October 2016 (CO.16.11.21).

16/93 Remuneration Committee

**Noted:** a report from the meetings of the Remuneration Committee held during 2016 (CO.16.11.22).

**Resolved** that: the terms of reference of Remuneration Committee be amended as set out in Paper CO.16.11.22

16/94 Scheme of Delegation for Council

**Considered:** amendment of the Scheme of Delegated Powers of Council (CO.16.11.23).

**Resolved:** that the amendment of the Scheme of Delegated Powers of Council as set out in Paper CO.16.11.23 be approved.

16/95 Capital Projects over £5m

**COMMERCIAL IN CONFIDENCE**

**Received:** a report from the Director of Estates (CO.16.11.24).



16/96 Affixing of the University Seal

**COMMERCIAL IN CONFIDENCE**

**Received:** a report noting the transactions which had required use of the University Seal since the last meeting of Council (CO.16.11.25)

16/97 Any Other Business

**Reported:** that there were no items of Any Other Business.

16/98 Programme of Meetings

**Noted:** the programme of meetings of Council for 2016/17 and 2017/18:

*2016/17*

Tuesday 31st January 2017, 5.00pm, Council Presentation and Dinner

Wednesday 1st February 2017, 9.00am, Council Meeting

Tuesday 25th April 2017, 10.00am, Council Strategy Day and Dinner

Tuesday 27th June 2017, 5.00pm, Council Presentation and Dinner

Wednesday 28th June 2017, 9.00am, Council Meeting

*2017/18*

Tuesday 3rd October 2017, 6.30pm, Council Dinner

Wednesday 4th October 2017, 9.00am, Council Strategy Day

Tuesday 28th November 2017, 5.00pm, Council Presentation and Dinner

Wednesday 29th November 2017, 9.00am, Council Meeting

Tuesday 30th January 2018, 5.00pm, Council Presentation and Dinner

Wednesday 31st January 2018, 9.00am, Council Meeting

Tuesday 24th April 2018, 9.00am, Council Strategy Day and Dinner

Tuesday 26th June 2018, 5.00pm, Council Presentation and Dinner

Wednesday 27th June 2018, 9.00am, Council Meeting