

UNIVERSITY OF BIRMINGHAM

COUNCIL

27th November 2019 at 8.30a.m.

MINUTES

Members present: Mr Ed Smith CBE (Pro-Chancellor, in the Chair); Professor Sir David Eastwood (Vice-Chancellor and Principal) - except for Minutes 19/94 to 19/99; Mr Derrick Anderson; Ms Deborah Cadman OBE; Mr Alan Davey CBE; Mr Malcolm Harbour CBE; Mr Richard Haywood (Deputy Pro-Chancellor); Professor Tim Jones (Provost and Vice-Principal); Mr Harjinder Kang; Mr Mick Laverty; Mrs Caragh Merrick (Treasurer); Professor Una Martin; Ms Joanne Park (Guild International Officer); Professor Corey Ross; Mr Josh Williams (President of the Guild of Students); Mr Richard Swann; Ms Jacqueline Taylor; Professor Nicola Wilkin.

Also present: Professor David Adams (Pro-Vice-Chancellor and Head of College); Professor Kathleen Armour (Pro-Vice-Chancellor (Education)); Professor Richard Black (Pro-Vice-Chancellor and Head of College); Ms Erica Conway (Finance Director); Professor Andrzej Gasiorek (Pro-Vice-Chancellor and Head of College); Professor Laura Green (Pro-Vice-Chancellor and Head of College); Mr Paddy Jackman (Interim Director of Hospitality and Accommodation Services) - for Minute 19/85; Mr Stephen McAuliffe (Academic Registrar) - for Minutes 19/87 to 19/89; Mrs Colette McDonough (Assistant Secretary); Ms Gillian McGrattan (Director of Human Resources) - for Minutes 19/85 to 19/87, Mr Trevor Payne (Director of Estates) - for Minute 19/85; Mr Lee Sanders (Registrar and Secretary); Professor Andy Schofield (Pro-Vice-Chancellor and Head of College); Mr Mark Senior, Chief of Staff - for Minute 19/90; Professor Tim Softley (Pro-Vice-Chancellor (Research and Knowledge Transfer)).

Apologies: Dame Lin Homer; Professor Robin Mason (Pro-Vice-Chancellor (International)); Dame Una O'Brien; Professor Karen Rowlingson.

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

19/77 Minutes

Resolved: that the minutes of the meeting of Council held on 2nd October 2019 be approved (CO.19.11.01).

19/78 Matters Arising from the minutes not addressed elsewhere on the agenda

Reported: that there were no matters arising.

19/79 Pro-Chancellors Items

Reported: that there were no Pro-Chancellor's Items.

19/80 Vice-Chancellor's Items

Noted: the report of the Vice-Chancellor (CO.19.11.02).

Note: Non-publication may be due to confidentiality, legal privilege, or personal data.

19/81 **[NOT FOR PUBLICATION]**

19/82 University of Birmingham Dubai Update

(1) Update

Considered: the University of Birmingham Dubai Update (CO.19.11.04).

Reported that:

- (a) the report covered:
- (i) Restatement of core mission and purpose of the campus;
 - (ii) Student recruitment 2019-20;
 - (iii) Programme pipeline 2020-21;
 - (iv) Executive education;
 - (v) Financial update and business case;
 - (vi) Financial growth and recovery plan;
 - (vii) Student experience;
 - (viii) Equality, diversity and inclusion update;
 - (ix) Research update;
 - (x) Federal accreditation update;
 - (xi) Phase 2 build update;
- (b) the discussion covered:
- (i) **[NOT FOR PUBLICATION]**
 - (ii) plans to develop the student experience further as the University moved to the Phase 2 campus;
 - (iii) the continuing work to grow student numbers and strengthen conversion;
- (c) the President of the Guild of Students and Guild International Officer reported on their recent positive visit to the University of Birmingham Dubai.

(2) Dubai Phase 2 Costings

Considered: the Dubai Phase 2 Costings (CO.19.11.05).

[NOT FOR PUBLICATION]

(3) University of Birmingham Dubai Advisory Board

Considered: progress with establishment of the University of Birmingham Dubai Advisory Board (CO.19.11.06).

Resolved: that establishment of the Dubai Advisory Board be approved as set out in Paper CO.19.11.06, noting:

- (i) the importance of ensuring diversity of membership; and
- (ii) that appointments to the Board would be approved by the Council Dubai Sub-Group (on the recommendation of the Dubai Steering Group).

19/83 Report of Audit Committee

(1) Update

Considered: the Annual Report of the Audit Committee (CO.19.11.07).

Reported:

- (a) that, based on the information and explanations provided to the Committee,

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including the reports and opinions received from Internal and External Auditors, the Audit Committee was satisfied that during 2018/19 and up to the date of the 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 Higher Education Statistics Agency, the Student Loans Company, OfS, Research England and other bodies, were adequate and effective;
 - (ii) the University had adequate and effective arrangements in place to secure economy, efficiency and effectiveness (value for money);
 - (iii) the statements on corporate governance and internal control included in the Annual Financial Statements fairly reflected 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 had been adequately discharged;
- (b) that the Committee was satisfied with the performance of Internal Audit during the period and with Deloitte's independence and performance as External Auditor;
- (c) the strengthening of the membership of the Committee by the addition of Malcolm Harbour and Jacqueline Taylor.

Resolved: that the Annual Report of Audit Committee be approved as set out in Paper CO.19.11.07, noting that the wording at Paragraph 7.2 and on the cover sheet regarding approval of the University's Annual Report and Accounts for the year ending 31st July 2019 would be considered confirmed and approved when the outstanding work on the External Audit and sign off of the University's Annual Report and Accounts had been completed (Minute 19/84 below refers).

- (2) Report from the meetings of the Audit Committee held on 30th September and 12th November 2019

Considered: the report from the meetings of the Audit Committee held on 30th September and 12th November 2019 (CO.19.11.08).

Reported:

- (a) that the Committee had received a comprehensive progress update on Core Systems, including issues with payroll administration;
- (b) that a benefits realisation group, chaired by the Provost, had been convened to track the benefits leveraged by New Core, and other related activities, which would ensure that progress was aligned with the Compact process. The Finance Director would provide an update on progress in relation to this work at Audit Committee in March 2020;
- (c) that Council was assured that the lessons learned from the implementation of Core Systems would inform management of the implementation of StARS, the University's Student Administration Refresh and Simplification Programme, the proposal for which would be submitted to Council in January 2020. This would include enhanced monitoring of benefits realisation so that any issues could be identified and addressed at an earlier stage;
- (d) progress with Audit Committee's consideration of the University's Annual Report and Accounts for the year ending 31st July 2019 as set out at Minute 19/84 below.

Resolved: that Deloitte be re-appointed as the University's External Auditor for the 2019/20 financial year.

Considered: the University's Annual Report and Accounts for the year ending 31st July 2019 (CO.19.11.09).

Reported that:

- (a) the latest annotated printer's draft of the University's consolidated Annual Report and Accounts 2018/19 was attached at Paper CO.19.11.09. Earlier versions of this document had been reviewed by SPRC on 5th November and Audit Committee on 12th November and comments made had been reflected in this draft;
- (b) the year-end process and audit had been challenging due to the year-end being only two months following go-live of Core Systems **[NOT FOR PUBLICATION]**
- (c) audit work had been ongoing at the time of the meetings of SPRC on 5th November 2019 and the Audit Committee on 12th November 2019. Mr Craig Wisdom, Deloitte Audit Partner, had reported to Audit Committee on 12th November 2019 that the outstanding work was progressing positively and that he rated it currently as 'Amber' (it having improved from 'Red'), and that the outstanding issues were so far not material;
- (d) Audit Committee on 12th November 2019 had agreed that:
 - (i) based on its work undertaken during the year, it was satisfied that the responsibilities of Council as stated in the Annual Report and Accounts had been adequately discharged;
 - (ii) based on its work undertaken during the year, it was satisfied as to the appropriateness of the Corporate Governance statements in the Annual Report;
 - (iii) Deloitte would issue an updated version of its audit report for the year ended 31st July 2019 to the University before Friday 22nd November 2019, noting that, if necessary, work would continue up to the meeting of Council on 27th November 2019;
 - (iv) the Chair of Audit Committee, the Treasurer and the Finance Director would meet with Mr Craig Wisdom during the week commencing 18th November 2019 to review progress and to consider the External Auditor's updated report. This would enable the Chair of Audit Committee and the Treasurer to agree next steps to update Council on 27th November 2019. The Treasurer and Chair of Audit Committee would update the Pro-Chancellor and discuss further with him the handling of the matter at Council;
 - (v) the Chair of Audit Committee and the Treasurer would provide an oral update on the Annual Report and Accounts to Council on 27th November 2019;
- (e) a conference call had been held on Friday 22nd November 2019 for the Chair of Audit Committee, the Treasurer, the Finance Director, the Deloitte Audit Partner, and the Deloitte Audit Director to consider the updated version of Deloitte's audit report for the year ended 31st July 2019, which had been circulated in advance. The Deputy Finance Director, the Head of Internal Audit, the Interim Head of Corporate Accounting, and the Secretary to Audit Committee had also been present. Deloitte had reported that the outstanding work was nearing completion (rating it currently as 'Amber/Green', and progressing quickly towards 'Green') and that Deloitte anticipated issuing an unmodified audit opinion, following completion of outstanding matters;
- (f) a progress update, together with the updated external auditor's report, had been circulated to members of Audit Committee on Friday 22nd November 2019, following the conference call. Members of the Committee had authorised the Chair to continue to act on their behalf and confirm their recommendation to

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Council for approval of the University's Annual Report and Accounts for the year ending 31st July 2019 when the outstanding work had been completed. Work had continued to be undertaken on the outstanding matters up to this meeting of Council. However, there were a number of items still outstanding which had to be resolved before Deloitte would sign off the University's Annual Report and Accounts and these could then be approved by Council. **[NOT FOR PUBLICATION]**

- (g) it was expected that this would be completed on Friday 29th November 2019 and that the External Auditor would provide a further update to the Finance Director, Chair of Audit Committee and Treasurer on that day. Council was assured by the Finance Director, Chair of Audit Committee and Treasurer that the outstanding work was not substantive and would not result in any changes to the financial position reported in the Accounts submitted to this meeting and that no issues of concern were expected to arise over the next two days;
- (h) Council could not delegate its approval of the University's Annual Report and Accounts. Members of Council would therefore need to confirm their approval of the University's Annual Report and Accounts for the year ending 31st July 2019 and the University letter of representation by e-mail over the weekend in order that the documents required for the University's Annual Financial Return could be submitted to the Office for Students by the deadline of 2nd December 2019.

Resolved that:

- (i) Council expected to approve the University's Annual Report and Accounts for the year ending 31st July 2019 and the University letter of representation for signature, following completion of the outstanding work reported in (f) above;
- (ii) the Finance Director, Chair of Audit Committee and Treasurer would consider the next update from the External Auditor on 29th November 2019 and provide members of Council, by e-mail, with details of the changes made to the version of the University's Annual Report and Accounts for the year ending 31st July 2019 circulated as Paper CO.19.11.09 and the University's letter of representation;
- (iii) noting the details of the changes made and on the recommendation of the Finance Director, Chair of Audit Committee and Treasurer, members of Council would be asked to confirm their approval of the Annual Report and Accounts for the year ending 31st July 2019 and the University's letter of representation by e-mail to the Assistant Secretary by 6.00pm on Sunday 1st December 2019.

Secretary's Note:

- (a) *The Finance Director, Chair of Audit Committee and Treasurer considered the update from the External Auditor on 29th November 2019 and provided members of Council, by e-mail, with details of the changes made to the version of the University's Annual Report and Accounts circulated as Paper CO.19.11.09 and recommended to Council that the University's Annual Report and Accounts for the year ending 31st July 2019 and the University's letter of representation be approved;*
- (b) *Council on 1st December 2019 confirmed, by e-mail, that:*
 - (i) *the Annual Report and Accounts for the year ended 31st July 2019 be approved for signature and release, confirming that Council had discharged its corporate governance responsibilities;*
 - (ii) *the University letter of representation be approved for signature and submission to the University's External Auditors.]*

19/85 Health and Safety

- (1) Revised University Health and Safety Policy

Considered: revision of the University's Health and Safety Policy (CO.19.11.10).

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Reported that:

- (a) the objective of the review of the University's Health and Safety Policy was to ensure the Policy:
 - (i) emphasised the need for the right action, being taken by the right persons, and the right time in order for risk to be reduced to tolerable levels;
 - (ii) distributed the responsibilities across the organisation;
 - (iii) addressed ambiguity found in the current policy that reduced engagement and overall effectiveness;
 - (iv) emphasised an appropriate balance between management actions and support activity;
 - (v) provided an action-orientated policy which emphasised the importance of organising and engaging to achieve safety outcomes and recognising that formalities such as setting up committees, and allocating responsibilities, are not themselves the outcomes;
 - (vi) reduced the number of policy documents that needed to be read to understand how to implement the policy;
 - (vii) ensured consistency across Colleges and Professional Services Departments by not expecting them to create their own local health and safety policy;
- (b) extensive consultation had taken place between September 2017 and June 2019 for elements of the revised University Health and Safety Policy and the complete document;
- (c) the revised Policy was approved by University Health and Safety Executive Group on 25th July 2019 for submission to UEB, SPRC and Council for approval, prior to proposed implementation in January 2020;
- (d) a communications plan to support the implementation of the revised Policy was being prepared to ensure that all were aware of their responsibilities under the Policy;
- (e) UEB on 21st October 2019 had approved the revised Policy for submission to Council via SPRC and SPRC on 5th November 2019 had recommended the revision of the University's Health and Safety Policy to Council.

Resolved: that the revised Health and Safety Policy as at Appendix 1 to Paper CO.19.11.10 be approved.

(2) Construction Fire Safety Update

Considered: the Construction Fire Safety Update (CO.19.11.11).

Reported that:

- (a) Paper CO.19.11.11 provided an update regarding fire safety management in buildings in excess of 18m high on the University campus. A report had been provided to Council in June 2017 (Paper CO.17.06.13) immediately following the Grenfell tragedy that stated there were no high rise buildings constructed at the University that had issues with non-compliant cladding or insulation. That statement highlighted that, following review, there were no concerns with the design standards of the University's high rise buildings in excess of 18m high. In 2019 in response to the Ministry of Housing, Communities & Local Government Advice note 14 dated 18/12/2018 and also in response to fire safety concerns being raised in the HE sector by UMAL (the University Insurers) regarding construction standards (the manner in which buildings had been constructed), as a proactive measure, the University had arranged an independent survey by a specialist consultant to examine the fire safety design standards that were

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- specified for all of the University's buildings over 18m high. The survey looked at both cladding and insulation panel types and also compared the specified designs to the 'as installed' fire safety arrangements in order to establish if the cladding systems had been installed in a compliant manner - as designed and specified;
- (b) the submission of this update to Council was coincidental with the recent Bolton University student accommodation fire – the Cube private sector accommodation block. This served to underline the importance of effective and consistent fire safety management at the University covering all aspects of design, construction, mobilisation, training, operation and buildings modifications;
 - (c) the recently completed independent survey had confirmed the assurances previously provided to Council but had highlighted some remedial fire compliance works that would need to be carried out on campus. Both West Midlands Fire Service (WMFS) and UMAL (University Insurance providers) had visited campus to discuss the identified remedial works and had confirmed that the works did not present elevated risk to life and that the identified buildings could continue to be occupied and used whilst the remedial works were planned and actioned;
 - (d) on 18th November, as this report was being prepared, the University received a letter from the Secretary of State for Education (that was sent to all Vice-Chancellors) asking for assurance that the University had “100 per cent compliance [with fire safety regulations] across all buildings used by your students”, with a request for a response by 30th November. This request covered all university buildings including residential student accommodation, and in the case of the latter, both compliance across university-owned accommodation and securing assurances from owners of privately-owned/commercial premises. This report for Council would be used as the basis of the University's response, and the Directors of Estates and Hospitality and Accommodation Services were identifying any further actions that could be taken, including securing assurances from the owners of privately-owned/commercial premises;
 - (e) the President of the Guild of Students commended the work of the University to assure students regarding fire safety in its student accommodation, particularly Chamberlain Tower, in light of the Bolton fire.

Noted: this update on construction fire safety management and the proactive actions being taken by the University to address the issues that had been identified.

19/86 Remuneration Committee

Considered: the report from the meetings of the Remuneration Committee held during 2019 (CO.19.11.12).

Reported that:

- (a) the annual report contained the more detailed level of reporting which had been established since the 2017 report;
- (b) at its May meeting, the Committee considered and agreed the budget (and other) parameters and principles that would apply to the year's process to review and determine senior staff remuneration. At its October meeting, the Remuneration Committee reviewed and discussed the reward proposals for senior staff and noted that the review process for senior staff had considered comparative, benchmarking, market and equalities data and that the reward proposals were justified in accordance with the information provided to it. The Committee considered factors to justify the reward proposals, including performance. The Committee approved the reward proposals for senior staff.
- (c) in considering whether reward proposals for senior staff were justified, the Remuneration Committee took into account a range of indicators. These included,

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but were not limited to:

- (i) performance in support of the University's strategic objectives in areas such as:
 - (a) teaching (e.g. TEF, NSS, student feedback, recruitment and admission, student outcomes and employability, teaching awards, programme leadership etc.);
 - (b) research (e.g. publications, citations, grants, impact, research leadership, major initiatives including with industry and external partners etc.);
 - (c) management and administration (e.g. professorial and academic leadership, service enhancement and delivery, policy development and delivery, income generation, improving performance of School or Service etc.);
 - (d) leadership of staff (e.g. development and performance of staff, quality of hires etc.);
 - (e) partnerships and external relations - internationally, nationally and locally (e.g. leadership in external networks and communities, external policy work etc); and,
 - (f) major initiatives and projects (e.g. international campus, capital projects etc);
- (ii) the size and complexity of the University;
- (iii) the level of pay increases for all staff;
- (iv) the global nature of the HE market and issues of recruitment and retention;
- (v) the University's objectives in relation to the diversity of the workforce;
- (vi) that some staff are on NHS salaries and reward structures not determined by the University;
- (d) at its May meeting, the Committee also reviewed and endorsed the Vice-Chancellor's performance objectives. At its October meeting, the Committee received and discussed the Pro-Chancellor's assessment of the Vice-Chancellor's performance against his objectives and the Pro-Chancellor's recommendation to the Committee and whether it was justified. The Committee reviewed a range of data and information on the Vice-Chancellor's remuneration and performance, including comparative and pay ratio data. The Committee decided that, taking account of the background and comparative data provided to it and the Pro-Chancellor's assessment of the Vice-Chancellor's performance and performance of the University, the Pro-Chancellor's proposal in relation to the Vice-Chancellor's remuneration was justified. The Pro-Chancellor highlighted in particular:
 - (i) the exceptional year for research, noting the highest ever annual research awards performance for 2018/19 of £215.5m, growth of research reputation and progress with REF preparedness and research metrics;
 - (ii) great progress on key projects, such as the University of Birmingham Dubai and Birmingham Life Sciences Park;
 - (iii) the successful 2018/19 student recruitment performance;
 - (iv) the strong position and reputation of the University amongst its peer group, including the sustained consolidation of the significant gains made in the University's league table performance since 2010;
 - (v) sustained strong financial position of the University in a challenging sector environment, including generation of annual cash surplus of 10% to support future investment in the University, significant reserves, and borrowing headroom;
 - (vi) continued development of the University's leadership team.
- (e) the University's statement on the Vice-Chancellor's remuneration would be updated on its website.

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Noted: the Annual Report of the Remuneration Committee, including the details of the senior pay reward process and the remuneration of the Vice-Chancellor.

[Note: The Vice-Chancellor withdrew from the meeting for the duration of this agenda item].

19/87 Industrial Action Update

Considered: the Industrial Action Update.

(1) Unison Strike Action

Reported that:

- (a) the current mandate for strike action by members of the local branch of Unison was due to expire at the beginning of December;
- (b) Unison had advised the University that their next strike action would take place for five days in November and December 2019. However, the University had reached a settlement with the local branch of Unison which meant that their strike action planned for 28th and 29th November and 2nd December 2019 had been cancelled. **[NOT FOR PUBLICATION]**
- (c) these rates of pay would not apply to the Edgbaston Park Hotel and Conference Centre which was a separate entity to the University. **[NOT FOR PUBLICATION]**

(2) UCU Industrial Action

Reported:

- (a) the outcome of the two national ballots for industrial action. In relation to USS, 530 of the University's 1,117 UCU members had voted in favour of strike action, 113 against, with a turnout of 57.92% which was above the minimum threshold required. In relation to Pay and Working Conditions, 504 of the University's 1,117 UCU members had voted in favour of strike action, 147 against, with a turnout of 58.09% which was above the minimum threshold required;
- (b) the strike action would run from 25th to 29th November 2019 and 2nd to 4th December 2019. The priority of the University was to protect the interests of students and detailed contingency plans were being operated to mitigate the impact of the UCU industrial action on students;
- (c) the first day of strike action had been peaceful with approximately 120 staff picketing and this total was expected to vary during the period of strike action;
- (d) the impact on teaching was being monitored and was expected to vary by School;
- (e) the resolution of the disputes would be dealt with at national level, noting though that this would be difficult given that the reform of the USS pension scheme was important for the longer term financial sustainability of the sector, and only 57 universities were experiencing strike action over the national pay settlement.

[The Vice-Chancellor and Principal declared an interest in this agenda item by virtue of his position as Chair of USS].

19/88 Report of Senate

(1) Annual Report on Academic Quality, Standards and the Student Experience

Considered: the Annual report on Academic Quality, Standards and the Student Experience (CO.19.11.13).

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Reported that:

- (a) this report had been presented to Council annually since 2016 as additional evidence of the quality culture at Birmingham and to enable Council to make the required annual assurances to the OfS as part of the Annual Accountability Return;
- (b) following consideration of this paper, Senate in November 2019 recommended that Council be invited to approve the University's approach to academic quality, standards and the student experience, and to provide a number of assurances to the OfS (relating to quality, standards and the student experience) as part of the University's Annual Accountability Return. The OfS had recently confirmed that the Annual Accountability Return no longer included the provision of these assurances. However, this paper remained relevant to the assurance element of this year's Annual Accountability Return, which required institutions to confirm compliance with the OfS's terms and conditions of funding for higher education institutions. This paper would also continue to be submitted annually to support Council in its academic governance responsibilities and to ensure that quality, standards and the student experience continued to be overseen at the highest level of the institution;
- (c) Council considered regular items related to education, quality and standards. This report encompassed the majority of issues that Council had considered during 2018/19 as part of its normal cycle of business, along with additional evidence from the past year, including:
 - (i) continued registration with the OfS, following a successful application in 2018 to join the Register of English Higher Education Providers;
 - (ii) OfS approval of the University's Access and Participation Plan for the period 2020/21 to 2024/25;
 - (iii) our commitment to access and participation, demonstrated by the fact that Birmingham students from under-represented groups are as likely (if not more likely) to continue on their course, achieve good honours and gain highly-skilled employability than the average English student;
 - (iv) a detailed discussion at Senate in November 2018 on degree classification and the challenges of perceived grade inflation, including consideration of the proportion of first class and good honours degrees awarded at Birmingham in comparison with the sector, sector-wide analysis undertaken by Universities UK, and action being taken at Birmingham at an institutional level and by individual Schools. The topic was scheduled for further consideration at Senate in March 2020 and Council in April 2020;
 - (v) successfully having met, by January 2019, our 2020 target in two significant education-related KPTs (graduate employability and Overseas PGT entrants);
 - (vi) a continued strong league table position, showing our sustained consolidation of the significant gains made since 2010;
 - (vii) a graduate employability rate of 85.8% and position within the upper quartile of the Russell Group;
 - (viii) continued strong student satisfaction, with an overall satisfaction score of 85.44% in the National Student Survey and 85% in the Postgraduate Taught Experience Survey;
 - (ix) continued strong recruitment, including our highest Access to Birmingham (A2B) intake to date, indicating that applicants continue to see Birmingham as a destination of choice;
 - (x) the launch of a centralised teaching timetable, enabling an improved experience for both staff and students;
 - (xi) the continuing success and development of the University's branch campus in Dubai, including the granting of institutional licensure by the

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- UAE Commission for Academic Accreditation;
- (xii) the launch of five more Degree Apprenticeship programmes, delivered with 66 external partners from industry, the NHS and local government and bringing our DA student numbers to 327.

Resolved: that the University's approach to academic quality, standards and the student experience as set out in Paper CO.19.11.13 be approved.

(2) Report of Senate

Considered: the report from the meeting of the Senate held on 6th November 2019 (CO.19.11.14).

Resolved: that the University's Annual Research Integrity Statement for 2018/19 be approved as set out at Appendix 1 to Paper CO.19.11.14.

19/89 Annual Report to Council on the Prevent Duty 2018/19

Considered: the Annual Report to Council on the Prevent Duty (CO.19.11.15).

Reported that:

- (a) following the meeting of Council in November 2018, the University's annual submission to the OfS in respect of its Prevent Duty was made in good time and subsequently, in April 2019, the University received confirmation from the OfS that: "...We have concluded that the University of Birmingham demonstrated due regard to the Prevent Duty", and "...we have assessed that the University of Birmingham is not at higher risk of non-compliance with Prevent";
- (b) the University continued to take a serious, proactive and proportionate approach to discharging its responsibilities under the Prevent Duty that required the University to have "due regard to the need to prevent people being drawn into terrorism". While an annual report was no longer required for the OfS as part of the monitoring approach, this report was provided to Council so that assurance could be provided that the University was meeting its responsibilities;
- (c) the report, provided in the format of previous years, was accompanied by a risk assessment and action plan (Appendix 3). This was regularly reviewed by the Good Campus Relations Group at its termly meetings, supported and informed by the University's network of regional partners, including representatives from the Police and DfE Regional Prevent Advisor. The action plan demonstrated good progress in each of the three priority areas of work in the last year: training and development, good practice to ensure Freedom of Speech, and protection and preparedness;
- (d) to give further assurance, in September 2019, the University Internal Audit Service completed a review of key controls and risks associated with the Prevent Duty. The audit concluded that it could provide substantial assurance of the effectiveness of the University's approach, highlighting a number of positive observations and made two positive recommendations that would further enhance effective controls. The recommendations from the report had been embedded within the risk assessment and action plan for completion this year.

Resolved that:

- (i) the Annual Report to Council on the Prevent Duty 2018/19 be approved as set out in Paper CO.19.11.15, including the University's Accountability and Data Return for Prevent Duty Monitoring 2019 (Appendix 1);
- (ii) the submission of the Prevent Annual Accountability Statement to the Office for

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Students be approved, confirming that:
“Throughout the academic year 2018-19 and up to the date of approval, the University of Birmingham:

- has had due regard to the need to prevent people being drawn into terrorism (the Prevent duty);
- has provided to OfS all required information about its implementation of the Prevent duty;
- has reported to OfS in a timely way all serious issues related to the Prevent duty, or now attaches any reports that should have been made, with an explanation of why they were not submitted;
- has reviewed, and where necessary, updated its Prevent risk assessment and action plan”.

19/90 Office for Students

(1) Annual Financial Return and Annual Accountability Return

Considered: the Annual Financial Return and Annual Accountability Return (CO.19.11.16).

Resolved that:

- (i) the University’s Annual Financial Return to the Office for Students for 2019 be approved;
- (ii) the University's Assurance and Research Returns, which formed part of the Accountability Return for 2019, be approved for submission to the OfS.

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

19/91 Strategy, Planning and Resources Committee

Considered: the report from the Strategy, Planning and Resources Committee (CO.19.11.18).

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

(2) Forward Look 2019/20 to 2023/24

Considered: the Forward Look 2019/20 to 2023/24 (CO.19.11.20).

Reported that:

- (a) Council and SPRC in June 2019 had approved an initial Forward Look for 2019/20 to 2023/24;
- (b) Council had previously been advised that College five year plans were being developed on a more granular basis. This work was under way and would continue through the 2019/20 Compact and inform future iterations of the Forward Look. The Forward Look to 2023/24 had been updated (following clarification of the student recruitment position for 2019 entry) for approval by Council and submission to the Office for Students (OfS) in December. This would then be used as a baseline budget in future;
- (c) **[NOT FOR PUBLICATION]**
- (d) the performance metrics being measured in relation to Birmingham 2026 were largely delivered by the latest version of the Forward Look;
- (e) **[NOT FOR PUBLICATION]**
- (f) **[NOT FOR PUBLICATION]**

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- (g) the development of the Forward Look was an iterative process and further work would be undertaken through the Compact process to refine the projections in relation to:
- (i) the roll through of 2019/20 student enrolments;
 - (ii) developments in business cases **[NOT FOR PUBLICATION]**;
 - (iii) action plans to deliver efficiency targets in budget centres;
 - (iv) refinement of future student numbers and research targets to reflect Birmingham 2026;
 - (v) development of staffing mix **[NOT FOR PUBLICATION]**.

Resolved: that the Forward Look for 2019/20 to 2023/24 be approved for submission to the OfS, noting:

- (i) the iterative nature of the process, including further work on College five year plans through the 2019/20 Compact Process to ensure that these were aligned with the 2026 targets;
- (ii) that revised scenario planning would be submitted to the next Council Strategy Day in April 2020, having been considered by SPRC in March 2020.

19/92 Effectiveness Review of Council

Considered: the arrangements for the next Effectiveness Review of Council (CO.19.11.21).

Reported that:

- (a) Council had undertaken regular reviews of its effectiveness since 2001/02. The most recent effectiveness review of Council and its Committees reported to Council in November 2015. The Effectiveness Review Panel was chaired by the Deputy Pro-Chancellor, Richard Haywood, and benefitted from the external perspective provided by Kevin Greenleaves, a consultant with significant experience of working with boards in a wide variety of sectors;
- (b) the overall conclusion of the 2015 effectiveness review was that Council could continue to be assured of its effectiveness having regard to the Committee of University Chairs (CUC) Higher Education Code of Governance and other good governance practice. Indeed, the Review was regarded as a valuable opportunity to reflect and make further enhancements to what is already a high performing Council and effective governance at the University. These enhancements covered certain aspects of membership and operation of Council, the reporting relationship between Council and Senate, operation of Committees of Council and the arrangements for providing assurance to Council on equalities and diversity throughout the University;
- (c) it was proposed that the next effectiveness review of Council would commence in December which was in accordance with the four year timescale for effectiveness reviews set out in the CUC Higher Education Code of Governance;
- (d) following discussions with the Pro-Chancellor, Vice-Chancellor and lay officers, it was proposed that an Effectiveness Review Panel be established to conduct the effectiveness review and make recommendations to Council, with external input and advice being provided by Will Spinks, former Registrar, Secretary and Chief Operating Officer of the University of Manchester.

Resolved: that the arrangements for the next effectiveness review of Council be approved as set out in Paper CO.19.11.21.

19/93 Appointment of Pro-Chancellor

[NOT FOR PUBLICATION]

19/94 **[NOT FOR PUBLICATION]**

19/95 Amendment of Guild Bye-Laws

Resolved: that the amendment of the Guild Bye-Laws as set out in Paper CO.19.11.23 be approved.

19/96 Capital Projects over £10m

COMMERCIAL IN CONFIDENCE

Received: a report from the Director of Estates (CO.19.11.24).

19/97 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.19.11.25).

19/98 Any Other Business

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

19/99 Programme of Meetings

Noted: the programme of meetings of Council for 2019/20:
Tuesday 28th January 2020, 5.00pm, Council Presentation and Dinner
Wednesday 29th January 2020, 9.00am, Council Meeting
Thursday 2nd April 2020, 9.00am, Council Strategy Day and Dinner
Tuesday 23rd June 2020, 5.00pm, Council Presentation and Dinner
Wednesday 24th June 2020, 9.00am, Council Meeting