



## **Minutes                      Meeting of the Council**

**Date:** 22 February 2024

**Present:** Martin Temple, Pro-Chancellor (in the Chair)

Claire Brownlie (Pro-Chancellor), Adrian Stone (Pro-Chancellor), Rob Memmott (Treasurer), Professor Koen Lamberts (President & Vice-Chancellor), Lily Byrne, Professor Graham Gee, Gemma Greenup, Professor Sue Hartley, Dr John Hogan, Alison Kay, Professor Janine Kirby, Frances Morris-Jones, Dr Caoimhe Nic Dháibhéid, Phil Rodrigo, Dr Phil Tenney, Professor Gill Valentine, Professor Mary Vincent

**Secretary:** Jeannette Strachan

**In attendance:** Anna Campbell (items 1-8, and 13-22), Jo Jones, David Swinn; Rob Sykes; Alix Morgan (item 6); Bella Abrams and Chris Willis (item 8); Andrew Harris (item 9)

**Apologies:** Dr Brian Gilvary, Varun Kabra

### **1. Welcome and Introductions**

1.1 The Chair welcomed Members and attendees to the meeting.

### **2. Declaration of Conflict of Interests**

2.1 No conflicts were declared.

### **3. Approval of Category C Business**

3.1 Council considered Category C business, which is covered in Minutes 13-22, below.

### **4. President & Vice-Chancellor's Report**

4.1 Council received and discussed the President & Vice-Chancellor's report, which provided information on key current and forthcoming developments in the policy environment and against each of the themes in the University's Strategic Plan. Attention was drawn to the following updates and developments since the written report was prepared with additional information provided as follows:

(a) Admissions Update:

Council received an update on the latest available student recruitment figures and the potential financial implications.

The majority of UG programmes remained open to applications following the UCAS equal consideration deadline, an approach which aligned with sector and benchmark competitors' behaviour. Clarification was provided about the University's recent approach to and performance in Confirmation, Adjustment and Clearing and the extent of opportunities to enhance student recruitment through that route in 2024.

Council noted that many Russell Group and other universities were reporting declines in PGTO applications due to a combination of negative government rhetoric; aggressive competition from other study destinations; and geopolitical change in key markets. More broadly, clarification was provided about the likely reasons for declining overseas student demand and the need for further analysis to better understand this, and the future implications, as well as changing demand for particular disciplines and programmes from key markets. Although global student mobility could be expected to remain important in the long-term, declining overall demand from key markets was expected to be a long-term issue which, while predicted, appeared to have begun sooner than anticipated for a combination of complex reasons. Ultimately, it was essential that the University was able to take a strategic view and agree a strategic approach to student number target-setting and student recruitment.

The ongoing challenge continued to be understanding and accurately forecasting overseas student behaviour this year in relation to those that accepted an offer and in taking the necessary steps to maximise the conversion of accepted offers to registration.

Council discussed the financial implications and current and planned actions in response to the potential student recruitment outcomes for 2024/25. It was noted that three scenarios had been modelled, from the most positive likely outcome to more negative, with a range of adverse financial impacts over a three year period. The relative financial resilience of the University, particularly compared to others in the sector, meant that while it was prudent to plan what action could be taken and to enable that to be deployed quickly if it became necessary, it was neither necessary nor desirable to take significant action immediately. It was recognised that this, more refined, approach would help to ensure that any action did not adversely impact the University's delivery and longer-term sustainability, something which other institutions had experienced having made more immediate and broader, less targeted interventions. Further details of the financial position, scenario planning and development of potential responses, would be presented to the Council Finance Committee in March and inform the budget and financial forecasting papers at the April Council meeting.

(b) Media coverage of overseas recruitment practices:

Attention was drawn to the recent media coverage, including and following a purported Sunday Times "expose". The article, focusing on the Russell Group, claimed to have discovered admissions practices that favoured international students, thereby crowding out UK students; claimed that there were issues of grade equivalence between home and international students; and broader issues around international students, e.g. total numbers and housing. It was reported that a meeting of Russell Group Vice-Chancellors with the Education Minister had been called by the Minister on the day that the article was published, although it was important to note that the general accusations about

inequitable entry standards were inaccurate and misleading as they compared entry requirements for standard degree programmes with those for foundation programmes. It was noted that students on the latter programmes were not automatically enrolled onto degree programmes and their progression depended on the successful completion of the foundation course. However, the extent of ongoing rhetoric and adverse coverage generated by the article had led to the Government announcing an investigation into the entry criteria for both home and overseas students, although the terms of reference and timescales for the investigation had not been shared with universities.

During further discussion, clarification was provided about the extent of sector discussions in response to this recent coverage, including work to address inaccuracies and misperceptions in both the original article and the wider debate, as well as plans for the sector to continue to demonstrate the contribution that overseas students made to UK HE and the UK more generally. Similarly, the sector continued to work to demonstrate and communicate its genuine commitment to fairness across the student journey for both home and overseas students, in an effort to progress the debate in a positive manner. Moreover, it was noted that the University was confident that its admissions processes were robust and defensible and that this could be evidenced.

Nevertheless, it was noted that attention on these matters was not expected to diminish in the event of a change of UK government later in the year. The University continued to seek to engage with politicians of all main political parties about these issues, as well as working with the Russell Group and UUK.

(c) Collective Grievance:

Further to previous updates to Council, it was reported that, following the small organisational change proposal relating to Student Support Services function, which impacted c.12 people, UCU had lodged a collective dispute with the University. It was noted that the proposed change aimed to enhance the service offered to students, particularly in relation to Student Welfare and Wellbeing services.

In this instance the collective dispute was raised in relation to perceived deviation from the jointly agreed change management policy and procedure, the perceived diminution of services to students as a result of the change and a fundamental objection to the placing at risk of redundancy those roles deemed in scope of the change. In line with the agreed collective dispute resolution procedure, two meetings had been held to bring together UCU and relevant University managers to consider the different perspectives and seek a way forward. The outcome of those meetings was that the substance of the dispute had not been upheld and the University had provided further assurances about the proposed enhancements to services. In addition, in response to the concerns raised by UCU colleagues, the management team responsible for leading the change had offered some alternative proposals and approaches to implementing the change.

(f) Group Litigation Claim:

Council received and noted an update on the group litigation claims against numerous universities, including Sheffield, for alleged losses due to disruption caused by the Covid

pandemic and/or industrial action. It was reported that the alternative dispute process ordered by the High Court in the test case involving UCL had not led to a settlement and so the matter would return to Court. The extent of the claims, their complexity and the number of universities involved meant that the cases could take several years to resolve.

## **5. Student Experience**

- 5.1 Council considered a report from the Students' Union focusing on students' experiences at the University. It was noted that this was the first of an intended standing item on future Council agendas as a means to increase Council's exposure and engagement with the students.
- 5.2 Attention was drawn to the initial findings from the latest SU survey of students, which was undertaken at least annually and had received its highest level of engagement to date, at c.10% of the student population. However, some groups were over or under-represented in the response rate. The SU was investigating the reasons for this and considering ways to increase participation in future. Additional detailed analysis of the findings would be shared with Council when this was available, through subsequent reports. Council also noted the key priorities for students identified through the SU survey and areas where responses were particularly positive or negative, commenting on the consistency of themes across all student cohorts. Members welcomed the report as a positive development and looked forward to receiving further versions in future. Members were encouraged to provide any additional feedback on the report and its contents.

## **6. New Schools Update and Implementation Plan**

(Alix Morgan in attendance for this item)

- 6.1 Council received a presentation setting out the University's high-level plans and approach for the implementation of the new Schools structure that was approved by Council on 24 January 2024. The purpose of this update was to provide assurance that implementation planning was suitably comprehensive and controlled; that the various elements could be managed and delivered effectively; articulate the key underpinning principles; and provide an update on the key risks and mitigations. Attention was drawn to, and Members discussed, the detailed underpinning principles; the high-level timeline and its constituent elements, which were supported by more detailed Gantt charts and Faculty level plans; the approach to monitoring and managing the achievement of key milestones and reporting this to Council; the dedicated staff and student Google site web pages; the detailed communications and engagement plans; and the five strategic risks and mitigations as discussed at Council's 24 January meeting.
- 6.2 During discussion, it was reported that, following Council's decision to approve the changes in academic structures, colleagues were focused on implementation and the respective implications for the changes locally. Similarly, there had been widespread positive engagement in discussions about potential names for the new Schools. Clarification was provided about the consistency and clarity of communications and related messaging about the new Schools project and the range of different routes by which these messages were being shared. It was also clarified that, while some colleagues had interpreted initial

and subsequent communications about the rationale for the new Schools and the intended objectives differently, although these had been refined over the engagement period and additional information provided as that period progressed, the core rationale and objectives of the project were unchanged. The importance of continuing to emphasise both the reasoning and objectives in a clear and consistent way, and of ensuring that these were understood, was noted.

- 6.3 Members discussed the importance of both Council Audit and Risk Assurance Committee and Council receiving regular assurances that key milestones were being achieved throughout the implementation and transitional periods and that these plans were on track. UEB would lead the development and definition of the relevant milestones to supplement the Implementation plan itself. This would facilitate the provision of regular assurance updates to Council and its relevant committees throughout the process. It was also noted that existing mechanisms for reporting and providing assurance to Council about institutional performance would also demonstrate the delivery of positive outcomes, e.g. annual performance updates and KPI reporting, the strategic planning updates and departmental performance. It was also confirmed that, as also set out to Senate in December 2023, work was underway to consider how best to embed the Student Voice within new School structures and the SU would be kept updated and engaged throughout that process.
- 6.4 Further clarification was provided about the pace of implementation and the balance of Schools which would be established in phases 1 and 2, with the process having been front-loaded as far as possible. Careful consideration had been given to the phasing of the new structures and the need to balance management capacity to deliver each of the relevant workstreams with the need to ensure that the programme was not so overambitious that it became undeliverable. As previously noted, it was vital to ensure that the University remained able to deliver its core activities effectively in addition to effecting the change in structures. This would be monitored closely throughout the implementation phase and reflected in further assurance updates to Council and relevant Council committees.

## **7. Code of Practice on Freedom of Speech and Academic Freedom**

- 7.1. Council considered and approved the Code of Practice, for inclusion in the University Calendar (Charter, Statutes and Regulations), along with the supporting related documentation, subject to the insertion of one additional sentence to clarify that complaints regarding visiting speakers would be directed to the University Secretary. Attention was drawn to the recent briefing that Council had received on the relevant law and implications of the new requirements, and forthcoming OfS guidance. It was reported that the new Code had been developed following extensive internal consultation and collaboration and detailed external legal advice. In due course, the publication of forthcoming OfS guidance and/or regulation may necessitate further amendments.

## **8. IT and Cyber Security**

(Bella Abrams and Chris Willis in attendance for this item)

- 8.1 Council received and noted a presentation by way of update and assurance on Information and Cyber Security. Attention was drawn to: the risk context, including the challenges,

potential impact, and the high likelihood of an attack and consequent high institutional priority placed on mitigation. Attention was also drawn to the current institutional position and external benchmarking; and the desired future position and means to achieve this, including using the new Schools structure as a catalyst for positive change. The extent of institutional commitment to this area was noted, led by UEB and with a dedicated governance structure that enabled IT risk to be addressed at corporate level rather than being perceived an issue for IT Services alone. Similarly, the extent of sustained investment and risk-based prioritisation of expenditure in this area was also noted.

- 8.2 During discussion, clarification was provided about the volume of attacks to which the University was subject and the positive impact of new technology in thwarting them. In addition, Members noted the general staff training requirements and plans to introduce additional targeted training for relevant roles, as well as testing and the ongoing development, refinement and stress testing of related business continuity plans. It was reported that IT and cyber security had been subject to several discussions and assurance updates at Council Audit & Risk Assurance Committee, which had commended the positive progress made over the previous c.5 years but recognised the importance of standardisation of processes in mitigating risk. The extent of the University's current insurance arrangements was noted, compared to others in the sector but it was recognised that the key issue was ensuring institutional readiness to manage the impact of a successful attack, based on lessons from institutions. In addition, the positive value of sector organisations such as JISC in preparing and responding to a successful attack were reported.

**9. Annual Report on Fundraising, Campaigns and Development**  
(Andrew Harris in attendance for this item)

- 9.1 Council received and noted a presentation by way of update on activities led by Campaigns and Alumni Relations, including its vision and strategy and key areas of focus. Particular attention was drawn to CAR's overall mission and contribution to the delivery of institutional strategic objectives; the current focus and further details on related activities in international recruitment, employability, rankings and reputation, and philanthropy; sector benchmarking; and both fundraising and volunteering through the current Campaign, which would move into its final, public phase in 2024/25. Members welcomed the update and commended the positive rate of progress in recent years.

**10. Council Effectiveness Questionnaire - Actions**

- 10.1 Council endorsed a paper setting out key issues and proposed actions following further discussion about Members' responses to the 2023 Council Effectiveness Questionnaire and endorsed the actions proposed. It was noted that the paper and related actions would form one of the inputs to the formal Council Effectiveness Review (see Minute 11, below)

**11. Council Effectiveness Review**

- 11.1 Council discussed proposals for the next formal Council Effectiveness Review and related practicalities. Clarification was provided about the role of the Task and Finish Group and that the external facilitator would write and own the final report. Following discussion and a

verbal recommendation from the Chair of Council in relation to the external facilitator, Council:

11.2.1 Approved the focus of the review, as set out in the related paper.

11.2.2 Approved the establishment of a Council task and finish group to oversee the process, and its membership, as set out in the related paper.

11.2.3 Approved the appointment of AdvanceHE as the external facilitator, following a competitive procurement exercise.

11.2.4 Noted the intended timeline for the review and associated reporting.

## **12. Capital Report**

12.1 Council received and noted an update on progress of ongoing and pipeline projects in the capital programme, including projects recently considered and approved by ECSG, UEB and Finance Committee in accordance with the Council Scheme of Delegation. Particular attention was drawn to financial risk in relation to one of the complex projects discussed in the report, which was being closely monitored and managed and would be reported to Council Audit & Risk Assurance Committee. It was agreed that updates on the complex projects contained in the report would in future include an overview of progress against timescales and budget. Clarification was also provided that student representatives were expected to be included in the membership of project executive groups as a matter of course.

## **13. Report of the Council Nominations Committee**

13.1 Council received and approved the report, including recommendations for three appointments to the Council Audit & Risk Assurance Committee.

## **14. Minutes of the Previous Meetings**

14.1 The Minutes of the meetings held on 27 November 2023, 14 December 2023 and 24 January 2024 were approved as an accurate record, subject to one minor amendment to the November minutes.

## **15. Action Log and Matters Arising on the Minutes**

15.1 Council approved the updated Action Log. There were no other matters arising.

## **16. Minutes of the Senate**

16.1 Council received and noted the Minutes. Council approved a recommendation to remove Regulation XI from the University Regulations, and consequent minor amendments to reflect this change, following the Senate Education Committee's decision to disband the Extra-Faculty Education Committee. Clarification was provided that this would have no impact on educational governance and the amendment was needed both to reflect recent

changes to the Senate Education Committee's sub-committees and to correct a previous anomaly in the Regulations.

**17. Minutes of the Council Audit and Risk Assurance Committee**

17.1 Council received and noted the Minutes. Attention was drawn to the Committee's recent consideration of two high risk internal audit reports, progress against which would be monitored as part of follow up work. Additional information about one of these issues was also included in the Capital Report at item 12).

**18. Minutes of the Council Equality, Diversity and Inclusion Committee**

18.1 Council received and noted the Minutes.

**19. Report on Action Taken**

19.1 Council received and endorsed the report on action taken by or on behalf of Council.

**20. Council Business Plan 2023-24**

20.1 Council received and noted the business plan which would be updated regularly to inform future agenda planning.

**21. Application of the University Seal**

21.1 Council received and noted a report on the application of the University seal since the previous meeting.

**22. Public Availability of Council papers**

22.1 Council received and approved recommendations concerning the publication on the web of papers presented at the meeting, in accordance with previously agreed proposals on the disclosure of information. It was noted that a number of papers were confidential and would not be made publicly available.

**23. Any Other Business**

23.1 There was no other business.

**24. Feedback on the Meeting**

24.1 Members commented positively on the engaging and interesting subjects on the agenda and the usefulness of the Pre-Council Information Session about research quality and excellence and commercialisation. Members noted the importance of allowing sufficient time for discussion and questions when items featured a presentation, recognising the time constraints. The relatively recent change in the timing of meetings and related sessions was again welcomed, as were the use of additional informal Members briefings to ensure that Council was sufficiently informed about a greater range of issues. It was suggested that

additional time might be allocated to the president & Vice-Chancellor's report in future to ensure that all necessary matters could be reported and discussed without impacting the time available for subsequent agenda items. The use of briefings and information sessions outside the formal business cycle was a further opportunity to maximise the time available at meetings for substantive discussions and decisions.