Meeting Attendance

Members present:
- Denise Jagger (Chair and Pro-Chancellor)
- Dr Pürnur Altay
- Professor Dame Vicki Bruce
- Philip Carpenter (Pro-Chancellor)
- Professor Simon Best
- Dr Rachel Curwen
- Andy Durrant
- Lindsey Fussell (Deputy Treasurer)
- Professor Kieran Gibson
- Professor Charlie Jeffery (Vice-Chancellor and President)
- Professor John Loughhead
- Judith McNicol
- Amanda Nevill
- Briana Pegado
- Professor Jo Swaffield
- Professor Saul Tendler (Deputy Vice-Chancellor and Provost)
- Chris Thompson (Treasurer, Pro-Chancellor and Senior Independent Lay Member)
- Professor Kiran Trehan
- David Watson

In attendance:
- Dr Adam Dawkins (Acting Secretary and Head of Governance and Assurance)
- Joan Concannon (For Minutes 20-21/119-144)
- Rebekah Desport (For Minutes 20-21/119137)
- Bethan Ellis (For Minutes 134-137)
- Denis Fowler (For Minutes 138-140)
- Dr Joss Ivory (Chief Operating Officer)
- Professor Tracy Lightfoot (For Minutes 141-144)
- Jeremy Lindley
- Mike Richardson and Stephen Talboys (both for Minutes 129-133)

Apologies:
- Patrick O'Donnell, Professor Duncan Petrie.

Section 1: Standing Items

20-21/114 The Chair reported that:
1. the Strategy and Horizon-Scanning discussion on Capturing and Harnessing Collaboration was an effective means to engage Council members on their insights from members which was developmental rather than being presented for final, formal decision of Council;
2. the session on Addressing Systemic Racial Inequalities and an update on progress made since the July 2020 Council session, and in the role played by Council and senior management in setting the tone for anti-racism and internal and wider external civic leadership to advance racial equality;
3. we would continue to include strategic development sessions in future Council agenda.

Apologies and Welcomes (Oral Report)

20-21/115 The Chair:
1. noted apologies from Patrick O'Donnell, Professor Duncan Petrie. Various Council members would not need to leave and re-join the meeting due to unavoidable external commitments.
2. welcomed Professor Dame Vicki Bruce and Professor Kieran Gibson to their first formal meeting of Council.

Declaration of Interest in Items on the Agenda (Oral Report)

20-21/116 Council noted:
1. a number of Council members and attendees at the meeting declared a standing interest in any discussions around the USS March 2020 valuation, as Scheme members. This would be discussed as part of the Vice-Chancellor and President’s Report and possibly elsewhere on the Agenda;
2. David Watson declared an indirect interest in Item 2.4 on the Agenda, given his family connection to the Halifax Estate.

Council Minutes: 25 January 2021 (C20-21/51-51i) and Matters Arising not covered elsewhere on the Agenda (C20-21/52)

20-21/117 Council confirmed the non-confidential and reserved business minutes of its meeting on 25 January 2021 as an accurate record, and noted the actions log and the following Matters Arising not covered elsewhere on the Agenda: one vacancy had arisen for an Employer Nominated Director on the Board of Directors of The University of York Pension Trust Limited (CRN: 00831550) following the departure of the former Deputy Registrar and Director of Corporate and Information Services (Heidi Fraser Krauss) who resigned as a Company Director on 24 July 2020. The Articles of Association of the Company require that Employer Nominated Directors on the Board of the Company (i.e., those appointed on behalf of the University) are appointed by the Council and that such decision is signed by two members of Council. A possible second Employer Nominated Director for UoYPF may need to be brought for approval on behalf of Council.

20-21/118 Resolved:
To:
1. approve the appointment of Mr Dean Spears as an Employer Nominated Director on the Board of Directors on the University of York Pensions Trust Limited with effect from the date of the Council meeting.
2. delegate authority on behalf of the Council for the Chair to approve a second Employer Nominated Director on the Board of Directors of the University of York Pensions Trust Limited if required.

Section 2: Strategic Development, Planning, Performance Monitoring and Resourcing items for consideration and/or decision

Vice-Chancellor’s Report (C20-21/53)

20-21/119 Council noted the Vice-Chancellor’s Report.

20-21/120 The Vice-Chancellor reported that:
1. compared with high rates in December 2020, Covid-19 cases see York as a City region below the national and regional averages and among the least affected local authorities in the UK (at 68 cases/100,000/week as of 23 February). For the last few weeks the University had had very few covid-19 cases;
2. stability of academic planning for the remainder of the 2020/21 academic year and into 2021/22 remained a major concern, requiring the University to be guided by the general national lockdown lifting timetable, pending HE sector specific government advice or instruction. The University would recommence in-person teaching from 08 March 2021 on a limited number of degree programmes which required urgent access to specialist facilities and hoped to deliver in-person teaching after Easter in classroom-based subjects if guidance allows, and of course subject to
health and safety risk assessment. The Pro-Vice-Chancellor for Teaching, Learning and Students was working with departments to plan for the Summer term;
3. he, as with many others, remained disappointed with the level of central financial support provided by government for students and institutions, as a point conveyed to the Minister of State for Universities;
4. today had seen the publication of USS’s actuarial assessment of pension benefits following the March 2020 valuation, which confirmed that the scheme deficit had grown from £3.6bn (2018 valuation) to £14.9bn–17.9bn. The 2020 valuation position presented significantly increased contributions on the current overall 30.7% rate for employer and employers across all scenarios, from the most favourable position of 42.1% through to 56.2%. Given current and forecast unfeasible contribution levels and significant limitations on affordability for employees and employers as seen by increasing opt-out rates, major reforms were required to USS. He was part of discussions at the Russell Group and UUK to seek to challenge the position of TPR and to enlist USS’s support in this regard. Pensions Management Group was overseeing monitoring and was also providing advice to UEB on the staff engagement strategy on USS, ahead of the formal USS consultation;
5. the report referred to some senior Director level departures in the field of IT Services, with colleagues choosing to move onto positions in the HE and NHS sectors in wider Yorkshire region and a new Interim IT Director had been appointed ahead of planned advertising for a permanent IT Director role within the new Technology, Estates and Facilities portfolio led by Stephen Talboys, who oversaw the IT and technology as part of his brief at the University of Salford.

20-21/121 Council observed that:
1. research policy and funding at government level had been subject to short-term contingencies during the Covid-19 period, with the full impact of Brexit yet to be realised, as highlighted by the Executive Chair of Research England at his presentation to Council on 02 March 2021. Specific challenges included whether Britain’s participation in Horizon Europe and whether it will be fully funded, as well as proposals for a new Advanced Research and Invention Agency (ARIA), which is yet to be confirmed;
2. the USS funding position and consequences for employer and member contribution levels was a major concern. Whilst it was felt by the sector that government intervention may be necessary as this was one of the largest private pension schemes in the UK, the likelihood of this was limited given the role of the TPR following a government position on pensions prudence which is impacting on sector covenant assessments and valuation outcomes. Pensions Management Group was also considering the University of York Pension Fund (UoYPF) 2020 valuation position, as was the need to ensure as great a parity of benefits and contributions for USS and UoYPF as possible, given the former was a national and the latter a local scheme;
3. lay Council members were happy to convey learning from their own industries and organisations in relation to IT and, in particular, server security, and investment implications.

Covid-19 Finance Update (C.20-21/54)


20-21/123 The Finance Director reported that:
1. the update reflected the November 2020 UEB endorsed MTP, with a financial upside expected in the best case (£4.0m upside) and best estimate (£2m) scenarios, with a worst case downside;
2. an margin of safety for compliance with the University’s amended (student accommodate refund exempted) financial covenants was the best estimate, with a worst case of ;
3. the cash balance at year-end remained strong, with a worst-case of ;
4. 
Council noted the finance update report, and that this was likely to be the last report to Council which presented the financial performance and position through a Covid-19 specific lens.

Andy Durrant and Professor Kieran Gibson temporarily left the meeting at this stage to attend other commitments.

**External Relations and Planning Report Undergraduate and Postgraduate Admissions** (C.20-21/55)

Council considered the Undergraduate (UG) and Postgraduate (PG) Admissions Report for 2020/21 based on the UCAS post-application position.

The Director of External Relations, Director of Marketing, Recruitment, Admissions and Outreach (MRAO) and Director of International reported that:

1. the sector was emerging from the demographic dip of 18-year olds and the resulting reduction in applications from this cohort to university. Other encouraging indicators included the Home Office adjusting its deadlines for overseas student visa applications to facilitate international student recruitment. However, University admissions would enter a further year of uncertainty for applicants and HEIs. The third lockdown led to the UCAS application date being extended until 29 January and A-Level examinations in 2021 would be replaced with teacher assessed grades;
2. overall UG applications were on the same time last year, offers and firms with conditional firm offers; with UG Overseas applications were on 2021/22. The importance of driving unconditional acceptances was key, including the tuition fee deposit requirement for PGT Overseas, the financial commitment of which was a more secure marker of intention to entry than acceptance of an offer alone. were key regional hubs;
3. analysis of key recruitment zones for York was integrated into campaigns, with student sentiment and insight from the decliner survey shaping messaging and tactics;
4. Virtual Post Offer Visit Days were underway, with over students registered and attended, on the same point last year;
5. overseas profile-raising engagement included the University partnering;
6. Planning for Clearing in an uncertain cycle was well underway.

Council observed that:

1. UEB was of the view that the student recruitment position was forecast to be on track to meet the MTP targets, including for the international student position, although this could be forecast with certainty;
2. there was a potential for an inflation in A-Level results from last year and it was unclear how this would be managed in terms of institution’s entry tariffs and clearing;
3. Widening Access and Outreach activities, including for BAME applicants was endorsed, noting analysis underway of the impact of the University’s work with feeder schools in recruiting under-represented students. Council would receive a monitoring report on Access and Participation Plan for 2019-20; as part of its change programme, with an emphasis on improving average entry tariff for applications to UG programmes as a more important factor, focussing on quality rather than a default to increase UG student volume.
Development of new Strategic/Institutional Key Performance Indicators (KPIs) (C20.21/57)

20-21/134 Council considered proposals and principles for the development of ongoing governance of Strategic Key Performance Indicators (KPIs).

20-21/135 The Director of Planning and Risk and Head of the Business Intelligence Unit (BIU) reported that:

1. UEB had agreed with an observation previously made by several Council members that the current institutional KPIs did not appropriately reflect the University's strategic vision, and that the process of developing a new set of strategic KPIs should align to the formation of the University's strategic objectives, in consultation with key stakeholders;
2. this would require a refocussing of the purpose of, and reduction in the number of KPIs, which
would be executive-owned performance metrics, that facilitated the right conversations at UEB and Council level, and enabled Council to monitor the long-term health and direction of travel of the institution;

3. a limited number of KPIs would be proposed (much reduced from the existing 28), and whilst the KPI framework should be simple, performance may be measured by a single metric, or basket of them.

20-21/136 Council observed that:
1. staff engagement on strategic objectives and the KPIs which were proxies for performance against them was key, as KPIs could prompt unintended consequences in terms of colleagues’ perceptions of priorities and the routes to achieving those;
2. a basket of quantitative and qualitative metrics was important, noting the importance of reducing the number of KPIs which would link to the strategic objectives;
3. the latest KPI dataset had been provided on the Category II agenda for information, and it was important that Council continued to actively monitor KPIs, although the current report was a summary of performance outcomes already presented at recent Council meetings.

20-21/137 Resolved:
To approve the development of a new set of Strategic KPIs, which are owned and approved by UEB, on the condition that Council:
1. receives, and is able to test assurance around, the Strategic KPIs providing an adequate framework for measuring performance against delivery of the University Strategy;
2. gives advice to UEB on material changes to the Strategic KPIs, or the introduction/withdrawal of Strategic KPIs when it feels that these do not reflect the direction or focus the UEB should be taking as part of its wider monitoring of the University Strategy.

Section 3: Policy and Regulatory Matters

Health and Safety Services Annual Report 2020 (C.20.21/58)


20-21/139 The Director of Health and Safety Services reported that:
1. despite the emergence and impact of the Coronavirus (COVID-19) pandemic which had been a significant and ongoing health and safety priority, there had been continued consolidation of the improvements within Health and Safety Services (HSS) management which were commenced in previous years to achieve and maintain statutory compliance;
2. the ‘High Risk’ observations and recommendations highlighted following the Health and Safety Governance internal audit undertaken by PricewaterhouseCoopers (PwC) had been addressed;
3. there had been no health and safety related enforcement actions or interventions by regulatory agencies during 2020.

20-21/140 Council observed that:
the report was in effect an assurance report on health and safety internal controls and was beneficial to Audit and Risk Committee and related to its request for an assurance map.
Council considered a report on a review requested by the Office for Students (OfS) to be undertaken in the first half of the Spring Term 2021 by all registered providers to provide assurance to Council on the University’s compliance with consumer protection law (ongoing registration condition C1).

The Pro-Vice- Chancellor (Teaching, Learning, and Students) reported that:

1. the Vice-Chancellor had asked that a task and finish review group be established to oversee the review, chaired by herself, to conduct a light-touch evaluation drawing on our existing information and evidence base. The review covered the specific scope set out by the OfS in its 14 January 2021 correspondence to all registered providers to: a) Re-test whether providers were sufficiently clear with new and continuing students about how teaching and assessment would be delivered in 2020-21 and changed circumstances and details. b) Assess whether students received, during the autumn term, the teaching and assessment they were promised and might reasonably have expected to receive based on the information provided. c) Assess whether providers current plans for the spring and summer terms would ensure that students received the teaching and assessment they were promised and might reasonably expect to receive based on the information provided;

2. the review was able to be relatively light-touch due to the robust trail of clear and timely communications with students at key stages during the course of the pandemic, which was a key pillar of the consumer legislation. The exercise was re-assuring therefore on a number of levels. Whilst the review group was reflective and identified areas of communication which could be strengthened as would be expected to be the case and set out in the report, these were not deemed compliance risks meriting escalation to the OfS, or for remedial action to be taken;

3. the Review Group was of the view that the University has complied with Condition C1 during the course of the pandemic, and had not identified any compliance risks or remedial action to be taken, and wished to advise the Accountable Officer (the Vice-Chancellor and President) and Council on this basis;

4. specific thanks to be conveyed to the University Secretary for co-ordinating and advising on the Group’s work and the Report.

Council observed that:

1. the report was useful, assuring and gave Council some additional exposure to the OfS registration conditions;

2. the position on, and petitions lobbying government and universities to provide financial remedies to students for lost or impaired teaching during covid-19 had been reported in the media, including from universities across Yorkshire. The Office of the Independent Adjudicator for Higher Education (OIAHE) has received and upheld a very small number of complaints pertaining to student complaints in relation to their learning and assessment opportunities during the pandemic, and had taken a proportionate and measured approach.

Resolved:
To take assurance from the review report conclusion that as an outcome of the review and the assessment of the three required review areas set out in 1.3 a-c of the Report, the Review Group is of the view that the University has complied with Condition C1 during the course of the pandemic, and had not identified any compliance risks or remedial action to be taken and wishes to advise the Accountable Officer (the Vice- Chancellor and President) and Council on this basis. In conclusion, the University has given ‘due regard to relevant guidance about how to comply with consumer protection law’ in developing its policies, terms and conditions throughout 2020-21.

Policy on non-academic honorary degrees and fellowships (C.20-21/60)

Council considered the Policy on non-academic honorary degrees and fellowships.

Resolved:
To approve the Policy on non-academic honorary degrees and fellowships.
Section 4: Sub-committee Summaries and Meeting- related information


At 1315 hrs the Chair of Council will hold an informal session with the lay Council members until 1330hrs.

Dr Adam Dawkins
Secretary to Council
April 2021