
Meeting: COUNCIL

Date and Time: Thursday 28 November 2019 at 2.15pm

Venue: Council Chamber

Present:

Mrs Pamela Chesters	Chair
Ms Eve Alcock	President, Students' Union
Mr Tim Ford	Appointed member
Mrs Ruth Foreman	Vice-Chair
Mrs Christine Gibbons	Appointed member
Professor Barry Gilbertson	Appointed member
Professor Dot Griffiths	Appointed member
Mr Malcolm Holley	Elected by staff not on Academic Assembly
Mrs Charlotte Moar	Appointed member
Ms Ruqia Osman	Education Officer, Students' Union
Ms Kate Robinson	Elected by Senate
Mr John Preston	Treasurer
Professor Ian White	Vice-Chancellor and President
Dr Jane White	Chair of Academic Assembly

In attendance:

Professor Jeremy Bradshaw	Pro-Vice-Chancellor (International and Doctoral)
Professor Jonathan Knight	Pro-Vice-Chancellor (Research)
Professor Peter Lambert	Pro-Vice-Chancellor (Learning and Teaching)
Professor Bernie Morley	Deputy Vice-Chancellor and Provost
Mr Martin Williams	Finance Director

Attendance for specific items of business only:

Mr Richard Brooks	HR Director
Georgina Eggleston	Assistant Director, Academic Registry
Dr Nicky Kemp	Head of Policy, Planning and Compliance
Mr Gavin Maggs	Director, Development & Alumni Relations

Secretariat:

Emily Commander	Secretary
Clare Henderson	Member of secretariat

Apologies:

Mrs Maria Bond	Appointed Member
Mr Mesar Hameed	Elected by staff not on Academic Assembly
Mrs Catherine Mealing-Jones	Appointed Member
Dr David Moon	Elected by Academic Assembly
Professor Danae Stanton Fraser	Elected by Senate

Action

7089 WELCOME AND OPENING REMARKS

The Chair welcomed everyone to the meeting. She noted that some members who had given apologies had sent email commentary on various papers which was a helpful contribution to the debate.

7090 DECLARATIONS OF INTEREST

- Ms Kate Robinson declared that she was a member of UCU and was currently on strike, however she had agreed with UCU colleagues that it was appropriate for her to attend.
- Ms Eve Alcock declared that the Students' Union had taken an official position in support of industrial action by UCU.

The Chair noted that membership of a Union or support of industrial action was not in itself declarable, although holders of official posts within a Union should declare them and absent themselves for any direct discussion of industrial action. She reminded all members of the confidentiality of Council discussions.

7091 MINUTES OF PREVIOUS MEETING

The minutes of the Council meeting of 24 October 2019 were **approved** as a correct record, following a minor change in minute 7071, now to read Michael Fraser. They were then signed by the Chair (paper C19/20 – 14).

7092 MATTERS ARISING

Minute 7076: Sustainability information on capital projects papers. Council noted that this had yet to be provided and agreed that the Director of Estates should be asked to ensure that a proposal for the inclusion of sustainability information on capital projects updates was brought to Council in February. **D of E**

Minute 7075: ARAC was working on ensuring that the risk register included quarterly change updates and dates. **ARAC**

Minute 7077: It was noted that OfS had approved the University's Access and Participation Plan, which would be brought to Council in February. **VC**

Minute 7078: An updated grid of actions against recommendations made by the Halpin review had been published on the website.

Minute 7080: The programme of meetings had been updated for 2019/20 and a programme for 2020/21 would be circulated in December. **HoSG**

Minute 7080: Council members would all be paired under the "Links" scheme. **HoSG**

Minute 7080: The review of Council Standing Orders was underway and would be brought to the February meeting. **HoSG**

The secretariat would circulate the date of Council's spring strategy day after the

meeting.

7093 FORMAL REPORT OF THE VICE-CHANCELLOR

The Vice-Chancellor and President introduced his report (paper C19/20 – 15), which gave an update on recent developments which affected the University, and highlighted the following points:

- It was anticipated that the outcome of the Our University, Our Future exercise would be shared with heads of department in January, and hopefully would be ready for discussion in Council in February. Some targeted feedback from alumni may be sought.
- Curriculum transformation timetable had been rescheduled to provide an additional year in order to ensure that rollout was smooth. Council discussed the risks involved in such a delay, including to the rate of student applications, and to the new courses which had been awaiting rollout before launching. TEF presented unknown risks. Overall, however, the risk of excessive haste was greater.
- Professor Peter Walker had been appointed to lead on the University's climate action framework and had already begun his engagement work.
- It was possible that a new Dean of the School of Management would have been identified in December, and that, once the salary had been approved by RemCo, Council would be asked to approve the appointment by correspondence before the February meeting.
- Work was continuing on the new complaints and disciplinary policies.
- Senate had expressed concern about the Annual Report of the University's Independent Advisor for Postgraduate Research, which suggested that some postgraduate students were experiencing unacceptable levels of harassment. UEB was taking action to address the various problems identified. It would continue to report to Senate and provide assurance to Council.
- A need had been identified to a University Ethics Committee to look at ethical issues facing the institution as an institution (rather than as a provider of research and teaching). Work was underway to determine what this might look like.
- It had become apparent that it would be necessary to report a wider range of events to OfS than originally anticipated. Most recently, the University had reported the industrial action taken by UCU. Management would continue to follow emerging guidance on reporting requirements.
- Boards: The Operations Board was up-and-running, and a new Buildings Board had started work. An International Strategy Board would meet for the first time in January. University Ventures Board had held a constructive discussion about its future direction. Proposals for a Staff Experience Board were being drawn up. It was **agreed** that membership of the various new boards would be published on the web.
- The Secretary of State had written to universities in the wake of the Bolton fire asking for assurance about fire safety. The response was currently being prepared. The University had done a significant piece of work in this area in the aftermath of Grenfell and all recommendations from that review had been fully implemented.

VC

Deputy
VC

VC

- The University had received a historical asbestos claim.
- Work on establishing stronger links with the local community was underway and the first output would be an event in January.
- A weakness had been identified in the PowerApps Check-In App, used to monitor the attendance of students with Tier 4 visas. Use of the app had been suspended until it could be made secure, modified and relaunched. The incident had been discussed by UEB would be reported to the ARAC.

VC

Council discussed the industrial action being taken by UCU. The Vice-Chancellor was grateful for the constructive engagement of Union members and students. The University's communication strategy had been proactive and, he hoped, constructive. He reminded Council that the industrial action was national and noted that this made achieving a resolution particularly complicated.

It was noted that the funds made available for student and staff support during the industrial action after costs would be targeted towards mental health.

Council **agreed** to delegate decision-making to the Chair, Vice-Chair and Treasurer, on the advice of the Vice Chancellor, in the event that it became necessary for the University to adopt a formal position before the February meeting of Council.

Council noted that the Chair had received a motion submitted by the Vice-President of the Bath UCU Committee asking for Council to ensure that any wages forfeited during the industrial action were deducted from pay packets over a period of months.

The Chair advised that there was no provision in Standing Orders for non-Council members to table items for inclusion on Council's agenda. She also reminded members that this issue of pay and conditions was one which Council had already delegated to the Vice-Chancellor. She would write to the UCU Vice-President to acknowledge receipt of the motion and explain why it could not be taken at Council, and she passed the motion to the Vice-Chancellor for his attention.

VC

Council **noted** the Vice-Chancellor's report.

7094 OfS ACCOUNTABILITY RETURN

The Head of Policy, Planning and Compliance presented paper C19/20 – 16. Council **noted** the University's approach to the OfS Accountability Return.

7095 FINANCE REPORT

The Finance Director presented paper C19/20 – 17 and appendices a-i.

The University had adopted an integrated reporting approach to give a more holistic view of the University's activities. The Annual Report had received detailed feedback from both Finance Committee and ARAC, and those suggestions not incorporated would be used to develop the methodology for 2020-21. The new strategy and KPIs would also inform the approach.

Financial statements: Although the University had made an underlying surplus, it appeared as a deficit in the financial statements because of the USS pension deficit recovery charge. This approach had been agreed by the big four accounting firms and would impact all employers that participated in the USS. The following year's accounts would partially reverse the charge as it would be based on the 2018, rather than the 2017, valuation. A further difference would be seen in the following year's accounts after a change to an annual valuation of the estate, which would mean that the value would increase more incrementally than had been the case in recent years.

PWC management letter: The auditor had reported a clean audit with no unadjusted items. There was one adjusting item in respect of assets under construction, which had been adjusted for in the accounts. There were no new control issues, and one of the issues raised in the previous year had been closed. Progress had been noted on the other – on IT access control.

Council congratulated the finance team on a clean audit and noted that integrated annual reporting was a work in progress. It also noted that the trial of a joint meeting of Finance Committee and ARAC had been a success and that this initiative would be repeated the following year.

There was a discussion about the use of the term "learning commons" in the annual report, which was not accurate in relation to the library. A manuscript correction was made in the copies to be signed, and the correction would also be made in time for the full print run.

Financial accountability return: It was noted that the template from OfS had not been available until October, and so the task of agreeing the return had been delegated by Finance Committee to the Treasurer. Some further changes were being made in response to feedback.

It was noted that a mechanism was required for discussion of the financial plan alongside the strategy.

Loan covenants: Finance Committee had been satisfied that all covenants would be met for both the past year and the forecast period. Having taken legal advice, the University would continue to rely on its existing agreement with the European Investment Bank as new covenants could not be agreed with the EIB at present.

Council:

- **Noted** the PWC Management Letter and Letter of Representation
- **Approved** the Annual Report and Accounts for 2018/19.
- **Approved** the Financial Accountability Return
- **Noted** the financial implications of student recruitment.
- **Noted** the loan covenant analysis and the University's position on the loan covenant with the European Investment Bank.
- **Noted** the Annual Tax Report.
- **Noted** the update on IAAPS.
- **Noted** an update from the Director of Finance
- **Noted** minutes of the Finance Committee meeting on 31 October 2019.

7096 AUDIT AND RISK ASSURANCE COMMITTEE

Council **noted** the report from ARAC (paper C19/20 – 28). Council thanked ARAC for its work on the integrated annual report.

7097 OfS ACCOUNTABILITY RETURN: ADDITIONAL ELEMENTS

Council discussed the remaining elements of the OfS Accountability Return (paper C19/20 – 18 a-d).

Council:

- **Approved** ARAC's Annual Report for 2018-19
- **Approved** the Internal Auditor's Annual Report for 2018-19
- **Noted** the Annual Assurance Return, signed by the Vice-Chancellor
- **Noted** the Annual Research Return, signed by the Vice-Chancellor

7098 PREVENT ANNUAL REPORT 2018-19

The Head of Policy, Planning and Compliance presented paper C19/20 – 19 and explained that the OfS was not concerned with reaching a judgement about the risk of staff or students being drawn into terrorism. Rather, it was concerned that the University was engaging with its Prevent duty. Although Bath was not deemed to be at a higher risk, it had taken a proactive approach and had joined the BANES Prevent Board. Dr Kemp had also become a member of the BANES operational board on safeguarding.

Council discussed the need to manage its Prevent duty alongside the academic freedom to access materials for research and study. Dr Kemp explained that the University had developed a system whereby staff and students could register to access restricted materials in support of their studies to protect them from false accusations.

Council **confirmed** that it was satisfied that, throughout the academic year 2018-19 and up to the date of approval, the University of Bath:

- had had due regard to the need to prevent people being drawn into terrorism (the Prevent Duty);
- had provided to OfS all required information about its implementation of the Prevent Duty;
- had reported to OfS in a timely way all serious issues related to the Prevent Duty; and
- had reviewed, and where necessary, updated its Prevent risk assessment and action plan.

Council took a short break whilst the Chair, Treasurer and Vice-Chancellor signed the financial statements, management letter and Prevent report.

7099 STUDENT SURVEY RESULTS

The Pro Vice-Chancellor (Doctoral and International) presented paper C19/20 – 20. He explained that the Postgraduate Research Experience Survey (PRES) was a national opt-in survey, which the University had opted to conduct on an annual

basis. This had led to a reduced response rate, so the University would revert to participating on a biannual basis.

The Professional Doctorate Experience Survey (PDES) had been developed by the University because PRES was not well adapted to professional doctoral students. It was local and institutional and there was therefore no comparator data.

Both surveys should be viewed as complementary to other sources of information, such as feedback from student representatives.

It was recommended that the doctoral college take forward eight actions, and a number of departments were being asked for action plans. These would be monitored by the Doctoral Studies Committee.

The Council discussed the reported lack of subject knowledge amongst some supervisors. This depended, in part, on the way that the questions were asked, but was also being addressed by means of supervisor training. Action plans would take account of this issue.

The Doctoral Studies College had been unsurprised by the results of the two surveys, as they highlighted areas that were already been worked on.

There was a need for a broader suite of questions on the postgraduate experience. Only a small percentage of doctoral students went on to pursue academic careers, so there needed to be some improved positioning to assist students that went on to other careers.

Council:

- **noted** the results of the Postgraduate Research Experience Survey
- **noted** the results of the Professional Doctorate Experience Survey

7100 STUDENT UNION TOP TEN

The President of the Student Union presented paper C19/20 – 21 on the Student Union top ten. She noted that the list was not exhaustive and contained both new items and repeat items, such as the 3G pitch, buses, supervision and personal tutoring. There had been some positive developments, on buses for example. Some issues required more work, particularly those in relation to supervision and #NeverOK.

Council discussed the 3G pitch. The Vice-Chancellor explained that work was underway on options, but that the planning process was complicated. The University was making a genuine effort but there was no quick solution. Council agreed that it would ask for an update on this at its meeting in February.

Council **noted** the Student Union Top Ten for 2019/20.

Council discussed mechanisms for reporting against the top ten. In the past, Council had received a single report on progress at the end of the year, but a different reporting system may be appropriate. The forthcoming review of Council Committee Terms or Reference may have a bearing on this.

Chair

It was noted that the Student Union Top Ten rightly reflected current mainstream student issues. It was understood that the Council may need to take a broader view of student experience to include for example aspects of Widening Participation or challenges that may not materialise until some future date. Council noted that the Vice-President (Student Experience) was developing a comprehensive student experience strategy which Council would receive in due course.

7101 DEVELOPMENT AND ALUMNI RELATIONS ANNUAL REPORT

The Director of Development and Alumni Relations presented paper C19/20 – 22. He highlighted three aspects:

- Four job offers had now been made within the department; all had been accepted; and one candidate had already taken up post
- The School of Management was to be commended for its effort in addressing its under-representation in the gold scholar scheme
- The new University strategy would be likely to prompt a fresh campaign.

It was noted that DDAR had a target of raising £4 million in the coming year, a 14% increase on the target for the previous year.

Council requested a forward work programme to be presented with the annual report, alongside an indication of key risks.

**D of
DDAR**

The Director of Development and Alumni Relations noted that Brexit was a key risk to fund-raising, with several high-net-worth individuals considering leaving the country. There had been an effort to de-risk the programme of work. In a previous year the top five gifts had accounted for 87% of income, but this was now down to 30%.

Council asked for results to be presented against benchmarking data in future years.

**D of
DDAR**

Council **noted** the Development and Alumni Relations Annual Report 2018-19.

7102 ANNUAL HUMAN RESOURCES REPORT

The HR Director presented paper C19/20 – 23.

It was noted that the HR department was lean, which meant stricter prioritisation. It had been a strategic decision to operate in that way.

Council discussed the low percentage of staff who were BAME and female, particularly amongst professional staff. Good recruitment rates of female, and BAME, professors in previous years had tailed off. Work was underway to understand these trends, including looking at conscious and unconscious bias. Once the underlying reasons were apparent, measures could be taken to address the problem. Recruitment agents were now picked on the basis of their focus on diversity in the workforce. It was also noted that classifying staff as BAME was

unhelpful, as individual staff members had different ethnic identities within that broad category. However, overall numbers were low, which meant that reporting against more detailed categories could give rise to data protection issues. The HR Director observed that the HE sector was not the best place to look for best practice on diversity issues, and that a national framework was required as well as local action.

Council discussed the possibility of publishing data on staff complaints. It was noted that numbers were so small that there were data protection issues. The “report and support” tool was picking up on more informal issues. Low numbers could be due to a lack of reporting or a positive working environment. However, numbers were broadly comparable to benchmark data.

The biggest risks for HR were Brexit, HE sector finances and immigration policy. It was not clear how best to identify key staff concerns: a staff survey might not be the answer. This was an issue that the new Staff Experience Board could consider.

Council noted strong take-up of the apprenticeship levy, particularly amongst professional services staff, although it was positive that so many academic staff wished to develop their management and leadership skills.

Staff turnover was discussed. It was observed that higher investment in grant-funded research led to higher research staff turnover. Some groups of employees had low turnover rates, and some high turnover rates, and these had remained broadly constant over a four-year period. There were some categories of staff, cleaners for example, where it was unlikely that many staff would want to develop a long-term career. Overall, the turnover rate was a blunt instrument, and the University’s approach had to be tailored to the different needs of a very diverse workforce.

Council **noted** the Annual Human Resources Report.

7103 PUBLIC INTEREST DISCLOSURE ANNUAL REPORT

The Head of Policy, Planning and Compliance presented paper C19/20 – 24.

Council:

- **noted** the reporting statement on public interest disclosure (whistleblowing) for 2018/19.
- **approved** the amended public interest disclosure policy and procedure
- **noted** the administrative change whereby responsibility for public interest disclosure will pass to the Director of Finance and the Head Strategic Governance in their capacity as Secretary to Council

7104 ANNUAL REPORT OF THE EQUALITY AND DIVERSITY COMMITTEE 2018/19

Mr Richard Brooks presented paper C19/20 – 25.

Council noted that the Equality and Diversity Committee had not been as effective as might have been wished in the past and had not found the levers to enable it to foster cultural change. It was suggested that the University should aim to

achieve silver in the next round of Athena SWAN, which would require focussed endeavour.

The Pro Vice-Chancellor (Learning and Teaching) noted that the report was inaccurate in suggesting a cut in resource allocated to equality, diversity and inclusion. Permanent staff resource to the central team had been given a net increase, and additional staff had been recruited in other departments (such as student complaints) with a view to supporting the overall safeguarding, and equality, diversity and inclusion agendas.

Council discussed the need for equality, diversity and inclusion to be embedded in every area of the University, rather than kept as a separate function.

Council **noted** the annual report 2018-19 from the University's Equality and Diversity Committee.

7105 ANNUAL QUALITY REPORT 2018/19

The Pro Vice-Chancellor (Learning and Teaching) and the Assistant Director, Academic Registry presented paper C19/20 – 26. In its current format, the report reflected the compliance terms of registration, but a different approach could be taken in future. More information should be provided in particular concerning doctoral education.

Overall the picture was a positive one, but work was needed on the attainment gap, the National Student Survey and student voice. The need to decolonise the curriculum was one of the rationales for postponing curriculum transformation.

Council discussed less strong performance in assessment and feedback. This was being addressed through curriculum transformation, and the tendency to over-assess was being reviewed. In the short term each department had an action plan. The timeliness of feedback was also being considered.

Council **noted** the Annual Quality Report 2018-19 and agreed a revised report format for 2019- 2020 would be helpful in enabling Council to obtain the necessary assurances.

7106 ACADEMIC GOVERNANCE MINUTES

Paper C19/20 – 27 and 27a

Council **noted** the minutes of Senate of 16 October 2019.

Dr Jane White, Chair of Academic Assembly, presented paper C19/20 – 27b.

Council discussed the motion on climate change from Academic Assembly that had been referred to it by Senate on 20 November 2019.

In the course of a wide-ranging discussion around the climate emergency, Council noted the strong support for action from many staff and students.

It was noted that, although the University had not itself declared a climate emergency, the announcement it had made in launching the Climate Action Framework had explicitly framed its work within the context of a climate emergency. It welcomed the appointment of Prof Walker to take this work forward. In light of this, a majority of Council members felt that the Council should not make a further statement until it was in a position to explain how the University's response would be delivered and funded, recognising the higher level of responsibility incumbent upon the Governing Body on being able to do so.

Council also discussed the establishment by Academic Assembly of a working group on climate change and the need to ensure consistency with work being carried out by Professor Walker. It was of fundamental importance that these two groups collaborated and had a sense of shared purpose. Council agreed that this work was fundamental and should be prioritised.

Council **agreed** that strong action by the University on climate change was essential, and that climate issues should be a standing item at all Council's future meetings. It agreed that the University should provide a detailed update for its meeting in February, and that it would keep the situation under review with an expectation that it would be possible to articulate a clear statement and committed action plan. by the end of this academic year, if not before.

Chair,
VC

7107 PROGRAMME OF MEETINGS 2019/20

Council noted the programme of meetings for 2019/20, as follows:

- Thursday 20 February 2020
- Thursday 14 May 2020
- Thursday 23 July 2020

7108 ANY OTHER BUSINESS

The Chair of Council noted that papers needed to be shorter, and to highlight areas of concern as well as successes. Those presenting papers needed to be ready to answer questions rather than to give a lengthy presentation. The Secretary would work with colleagues to ensure that necessary changes were made, but this would require deadlines to be respected.

HoSG

The meeting concluded at 5.58 pm
