

CONFIRMED MINUTES OF MEETING



Council

Thursday 18 November 2021, at 9.30am

Council Chamber with some virtual attendance via Zoom

Present:

Pamela Chesters, Chair
Maria Bond
Tim Ford
Christine Gibbons
Professor Dot Griffiths
Dr Marion Harney
David Hardy
Dr Alan Hayes
Malcolm Holley
Don McLaverty
Professor Marcelle McManus
Catherine Mealing-Jones
Charlotte Moar
Dr Dai Moon
Andrew Ross
Professor Ian White
Annie Willingham
Jacob Withington

In attendance:

Professor Nick Brook, Dean of the Faculty of Science (for item 7354)
Richard Brooks, Director of HR (for items 7361 and 7367)
Professor Momna Hejmadi, Interim Pro-Vice-Chancellor, Education
Emily Pollinger, Executive Officer (for item 7359)
Professor Bruce Rayton, Director of Recruitment and Admissions (for item 7356)
Martin Williams, Finance Director
Professor Cassie Wilson, Pro-Vice-Chancellor, Student Experience
Chris Young, Deputy Director Safety and Wellbeing Services (for item 7367)
Keith Zimmerman, Chief Operating Officer

Remote attendance:

Professor Julie Barnett, Interim Pro-Vice-Chancellor, Research
Corinne Evans, Director of Strategic Communications
Tamsin Foxwell, Head of Executive Operations
Karen Gleave, Member of secretariat

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Dr Nicky Kemp, Director of Policy, Procedure and Compliance (for items 7355, 7363 and 7364)

Charlie Slack, Head of Student Voice and Engagement, Students' Union

Secretariat:

Emily Commander, Secretary

Caroline Pringle, Member of secretariat

Apologies:

Tim Hollingsworth

Sujata McNab

7350 - Welcome and Quorum

The Chair welcomed members and attendees and made a formal note of attendance to ensure that quorum was maintained throughout the meeting. She extended a particular welcome to Caroline Pringle, who had joined as a member of the governance team and to Charlie Slack, who was attending from the Students' Union in support of the student governors.

The Chair put on record Council's thanks to Professor Devine and Professor Hejmadi, who were nearly at the end of their term as joint Interim Pro-Vice-Chancellors (Education) and to Professor Barnett and Professor Mattia, who were nearly at the end of theirs as joint Interim Pro-Vice-Chancellors (Research).

7351 - Declarations of Interest

Andrew Ross declared that Item 7356 related to the area of responsibility of his substantive post.

As Chair of Academic Assembly, Dr Alan Hayes declared a potential conflict of interest in relation to item 7368.

7352 - Minutes of the Previous Meeting – C21/22 – 14

The minutes of the previous meeting of Council held on 14 October 2021 were approved.

Action: Minutes to be redacted in line with the Framework and published on the website.

7353 - Actions and Matters Arising

The following decision taken by correspondence was noted:

[CUB21/22 – 02](#) – Appointment of the Deputy Vice-Chancellor (28 October 2021).

1. Council Standing Orders (7335)

Council Standing Orders to be published on the website. Complete.

2. Council minutes (7336)

Council minutes of meeting on 22 July 2021 to be redacted and published on the website in accordance with the Minutes Framework. Complete.

3. ARAC Terms of Reference (7344)

ARAC Terms of Reference to be published on the website. Complete.

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4. Nominations Committee Terms of Reference (7340)

Nominations Committee Terms of Reference to be published on the website. [Complete](#).

5. Treasurer (7340)

Timetable for recruitment of a Treasurer to be reviewed with Green Park. *See item 7370, below.* **Complete.**

6. Size of Council (7341)

Proposals on the size of Council to be brought back to the next meeting. *See item 7368, below.* **Complete.**

7. Procedure for senior academic appointments (7342)

Revised Procedure for the Appointment of a Deputy Vice-Chancellor, Pro-Vice-Chancellor or Dean/Head of School to be published on the website. [Complete](#).

8. Redundancy Committee Terms of Reference (7343)

Redundancy Committee Terms of Reference to be published on the website. [Complete](#).

9. Remuneration Committee Terms of Reference (7345)

Remuneration Committee Terms of Reference to be published on the website. [Complete](#).

7354 – Institutional update – C21/22 – 15

The Vice Chancellor thanked colleagues their work in very difficult circumstances. The University had planned to run 93% of its teaching in person and had done well compared to others in the sector. He said that he was looking forward to Professor Sarah Hainsworth and Professor Julian Chaudhuri joining as new Pro-Vice Chancellors and paid tribute to the work done by the interim Pro Vice-Chancellors.

The Vice Chancellor congratulated Dr Chris Brace, who had won a prize for global leadership in automotive engineering. The University was also supporting a Masters student on a Chevening Scholarship. In a project being led by Professor Devine, the University had offered a top-up to the scholarship and rent, and was offering some support with utilities. The Vice Chancellor expressed hope that this model would be used more in the future.

He noted that there would be strike action at the University from 1 to 3 December 2021 in relation to the USS pension.

The Chief Operating Officer reported that the number of positive Covid cases among staff continued to climb, with a current seven-day average of 15 cases. Many of these were in operational front-line roles where there were also recruitment difficulties. The student seven-day average was only one. The University was not aware of any staff-student transmission and the staff cases appeared to be linked to school-age children.

Members of Council raised issues and were answered as follows:

- There had been an increasing number of students accessing mental health services. Demand had been greater than anticipated and some students were waiting longer than they would like. All cases were triaged on the day the student made contact and the urgent cases are prioritised. However, there were longer waiting times for less urgent cases and general wellbeing support. This was being monitored and the University was looking to increase resources for mental health services.

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- The review of the University against the government's recommended cyber security governance framework identified a need for more awareness training. A detailed information security plan would be presented to ARAC.

In relation to Appendix 1 (update on the start of the 2021/22 academic year), members of Council raised issues and were answered as follows:

- The 2021 NSS showed decreased satisfaction in terms of 'Assessment and feedback'. There was a new plan being implemented to monitor this more frequently and take action at a departmental level.
- The Student Governors had been involved with the assessment working group and it was positive that changes had been put in place. The University had also been speaking with students to better understand the issue from their perspective.
- The Pulse survey was useful for identifying issues and trends at a departmental level.
- The Student Governors thanked the Council and University for the bold approach it had taken in relation to the delivery of education for 2021/22. The high proportion of in-person teaching had helped the student experience.

In relation to Appendix 3 (update on the proposed School of Life Sciences), members of Council raised issues and were answered as follows:

- The Chair of Council welcomed the fact that the Dean had taken a proactive approach in seeking the best solution for those departments in scope.
- It was envisaged that Council would be asked to sign off on the project in February 2022, ahead of implementation at the start of the 22/23 academic year.
- The Chair stated that she would not want Council to be a delaying factor for this or any other decision that the University leadership wanted to bring forward and that it was possible for it to meet remotely, rather than waiting until the next quarterly meeting, if that were ever required.

Council noted the institutional update.

7355 – Performance reporting – C21/22 – 16

The Chair noted that this was a transition year due to the fact that key personnel (the Deputy Vice-Chancellor and two Pro-Vice-Chancellors) had yet to take up post; that last year available management bandwidth had been focussed on covid related matters; and because it was impossible to predict how it would be necessary to adjust thinking on the basis of the impact of Covid on the external environment. In addition, the format of the strategic performance report was still in development.

The Director of Policy, Planning and Compliance stated that the first KPI report was on Excellence in Education because the data became available at this time in the year. The dashboard was being maintained in the background and Council members could access it whenever they wished: this report provided more detail including some information on risk. Council members made some suggestions as to how risks might be presented in a different format in future reports.

The risks also appeared in the operational risk register, notably around staffing levels for distance learning and the Curriculum Transformation project, which had lost some momentum during the pandemic, but with which the University had re-engaged. Industrial

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action may affect the University's NSS scores because of the potential impact on its ability to deliver in-person teaching.

The weakest area of performance was in assessment and feedback and work was underway to address this.

Entry tariff scores were affected by the Scottish education system, which meant that Scottish universities tended to have much higher scores than their English counterparts. The impact of conditional offers meant a lowering of tariff scores amongst peer institutions.

Graduate outcomes data had only been collected for two years and was still deemed to be experimental.

Members of Council asked questions and were answered as follows:

- Council had considered setting more aspirational targets, but also needed to balance the desire for continuous improvement with a recognition of areas where performance was already strong. This would enable decisions to be taken on where resource needed to be concentrated.
- Within the sector, Bath had an excellent reputation for teaching and ranked highly amongst institutions which were teaching-focused. Employers also placed a high value on Bath graduates.
- Caution was needed in any consideration of the impact of Widening Participation on targets. The University did not make contextual offers so could not argue that this was driving down average scores. All institutions were engaged in trying to widen participation, so the University's performance relative to others should not go down as a result of these activities.
- The Vice-Chancellor summarised the five characteristics of the Bath student as Well Taught; Well Qualified; Well Experienced; Well Rounded; and Well Grounded.
- The University would need to monitor employability metrics, particularly in light of the government's shift in emphasis to apprenticeships and Further Education, which could have an impact on Bath's strong reputation in relation to placements.

Council noted the performance update.

7356 – Admissions – C21/22 – 17

This item was taken after item 7259.

Members of Council asked questions and were answered as follows:

- The University was not looking to put resources into any areas in particular, but was investing in parts of the world where quality growth seemed possible.

Council noted the updates on admissions.

7357 – Student survey results – C21/22 – 18

Members of Council raised issues and were answered as follows:

- Institutions could opt-in to PTES, whereas NSS was obligatory, hence response rates tended to be lower; there were internal mechanisms in place at a unit level on a semester basis to gain feedback and drive response rates up.

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- Senate had considered the Postgraduate Research Education Survey (PRES) and the Professional Doctoral Education Survey (PDES). Information on these could be circulated after the meeting.
- The University was looking at output from the Research Excellence Framework (REF) to understand whether PhD students were being successful and contributing to outputs: there would be no point to driving up numbers if they were not succeeding.
- Postgraduate students were told about the feedback given by previous cohorts and any actions taken in response.

Council noted the analysis of the University's performance in NSS and PTES and thanked Dr Rayton for his work in this area.

Action: Circulate the results of PTES and PRES to Council members.

7358 – Report of the Postgraduate Independent Adviser – C21/22 – 19

The Pro-Vice-Chancellor (Student Experience) noted that the Report of the Independent Adviser had highlighted three areas where there were still concerns and had made recommendations. The report stated what the University intended to do in response. A Task & Finish Group had been established to look more broadly at student complaints which eventually became cases under the Dignity and Respect Policy. Mostly these cases were postgraduate students complaining about their supervisor. The Task & Finish Group was intending to make some bold recommendations: there were no quick fixes, but progress could be made.

Members of Council raised issues and were answered as follows:

- Often students did not raise a complaint because they had heard about how bad the complaints process was; simplifying the process would be helpful.
- Safeguarding training was not mandatory for every employee; the initial focus was on delivering a training package for personal tutors and supervisors. The new student policy and safeguarding department would be operational from February 2022.
- The University needed to ensure that it was collating information gathered through different sources and processes from across the organisation so that action was being taken where it was needed.

Action: Pro-Vice Chancellor for Student Experience to respond to Council on safeguarding training and the broader roll-out across the University.

Action: HR to consider whether information relating to pockets of poor practice is systematically collated from the various sources available within the University and whether strong enough processes and interventions are then in place to support change.

Council noted the reports.

7359 – Complaints, disciplinarys – C21/22 – 20 (A and B)

The Director of Policy, Planning & Compliance presented the report on student discipline. It was noted that there had been a significant increase in the number of discipline cases in the previous year. This was almost solely attributable to breaches of Covid regulations. It was hoped that case numbers will return to pre-pandemic levels in the current year.

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Emily Pollinger presented the report on complaints. Thanks were given to Tim Ford for chairing most of the Stage 3 disciplinary panel over the summer and for providing advice on particularly difficult cases.

Members of Council asked questions and were answered as follows:

- An internal audit of complaints was being undertaken and the recommendations from the Independent Advisor's report were being considered as part of this.

Council noted the reports.

7360 – Response to the Students' Union Top 10 – C21/22 – 21

This item was taken after item 7362.

Members of Council raised issues and were answered as follows:

- The University was reviewing its investments to understand their carbon footprint; Mercer had been appointed as an investment advisor in part due to their sustainable investment policy.

Council noted the report on the institutional response to the Students' Union Top 10 for the 2021/22 academic year.

7361 – Quarterly workforce update – C21/22 – 22

Members of Council raised issues and were answered as follows:

- Providing the University remained on the same trajectory with managing Covid then the HR team would have the resources to deliver the strategic workforce plan.
- Some HR policies were past their review date but had been updated with relevant legal changes or sector updates to ensure compliance; policies of most interest to the trade unions had been prioritised for review. It may be beneficial for the University to consider moving more formally to a risk-, rather than time-based approach to policy review.
- The HR team was developing a strategic plan on staff experience through the Staff Experience Board.

Council noted the quarterly update on workforce issues.

7362 – Student Accommodation – C21/22 – 23 and 23A

The lease acquisition of student accommodation in Green Park House on the recommendation of Finance Committee was approved, subject to detailed negotiations.

Action: DoF to take forward the potential lease acquisition on Green Park House, subject to successful conclusion of detailed negotiations.

7363 – Prevent Annual Return – C21/22 – 24

The Director of Policy, Planning & Compliance noted that the University had purchased a new online training module on safeguarding which incorporated some Prevent elements which would be rolled out during 2021/22.

Concerns were raised by Council about the lack of consideration given to the implications on equality, diversity and inclusion (EDI) of this report. This was also noted to be an issue more widely in the papers put before Council. The Chair urged all those drafting papers to think more broadly about the EDI and sustainability implications when composing papers.

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Council noted the Annual Prevent Report and Prevent Risk Assessment and approved the Annual Assurance and Data Monitoring Return for the OfS.

Action: Make the Prevent Annual Return to the OfS.

7364 – Modern Slavery Statement – C21/22 – 25

It was noted that two minor amendments to the report were required: to reflect that the University was no longer part of the Operations Board of B&NES Community Safety and Safeguarding Partnership; and to replace the reference to the #NeverOK campaign with a reference to the #BeTheChange campaign.

The Modern Slavery and Human Trafficking Statement for 2020/21 was approved for signature by the Chair of Council, subject to the two amendments.

Action: Publish the Modern Slavery Statement on the website and ensure it is signed by the Chair of Council.

7365 – Public Interest Disclosure Annual Report – C21/22 – 26

Council noted the Public Interest Reporting Statement for 2020/21, as referred by the Audit and Risk Assurance Committee.

It was noted that that some minor corrections were required to the dates cited in the report.

7366 – Equality, Diversity and Inclusion – C21/22 – 27

Council noted the University's approach to its Statement of Equality Objectives.

Action: Update the Statement of Equality Objectives on the University website and extend the date to 2023.

Action: Develop new Statement of Equality Objectives for consideration by Council in the next calendar year.

7367 – Health and Safety – C21/22 – 28

Council approved amendments to the University's Health and Safety Policy and thanked the Head of Health and Safety for all his hard work during a challenging year.

Action: Sign and publish an updated version of the Health and Safety policy on the website and update the policy schedule accordingly.

7368 – Council effectiveness – C21/22 – 29

It was noted that, as Chair of Academic Assembly, Dr Alan Hayes had a potential conflict of interest in this item.

Dr Hayes noted that he had mentioned the proposal to members of Academic Assembly following the earlier discussion on this at Council and had received a mixed response. Issues raised had been as follows:

- A lack of clarity about why change was needed.
- A sense that the latest changes to the composition of Council had been too recent and needed time to bed in.
- An emphasis on the importance of academic representation and concern about the perceived dilution of the academic vote.

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- Questions about the proportion of student governors and lay members.
- A desire to retain the ex officio status of the Chair of Academic Assembly.

The following points were made in the discussion which ensued:

- It would be important to ensure that Council continued to hear the staff voice, but there were a number of ways to achieve this.
- The need for appropriate and timely engagement of Senate and Academic Assembly in relation to the proposed changes.

Council agreed in principle, to reduce the size of Council, subject to consultation with Academic Assembly and Senate about how this project would be taken forward.

Action: Develop action plan for consulting on and implementing a decision on Council size.

7369 – Audit and Risk Assurance Committee – C21/22 – 30

Council noted the report from the Audit and Risk Assurance Committee.

7370 – Nominations Committee – C21/22 – 31

The Chair of Council advised that Green Park had been tasked with bringing forward the recruitment of the Treasurer in response to feedback raised at the October Strategy Day.

Nominations committee had noted that two Council members had expressed discomfort about the prolongation of the interim arrangements and a member of the Nominations Committee had been tasked with engaging with their concerns. The Interim Chair of the Audit and Risk Assurance Committee (ARAC) had also written to the Chair of Council raising issues of a similar nature. Both sets of concerns had been considered by Nominations Committee.

Nominations Committee had agreed that if no appointment of a Treasurer had been made in January 2022, revised interim arrangements would be brought to Council for their approval. Nominations Committee had brought forward its January meeting to enable that to happen and, in the meantime, the Chair would work with the Head of Governance to make appropriate arrangements for taking soundings from Council members as to their preferred solution.

Consideration had been given as to whether the roles of Senior Independent Director (SID) and Treasurer should be linked during this interim period and Nominations Committee was satisfied that, with the additional support which had been put in place, this was acceptable. It had also discussed whether a currently qualified accountant was needed for the interview panel and had concluded that Ruth Foreman, who had been a practicing qualified accountant for many years and knew the University well, had the right skills for the role. The Chair would write a formal response to ARAC on these points.

The following points were made during the discussion that ensued:

- Council was pleased to learn that the recruitment process had been brought forward.
- Some members were still of the view that on principle the SID should not be one of the two senior officers on Council even if only on an interim basis, in order to ensure that there was sufficient independence if any member of Council had a concern. Council was however satisfied that arrangements had been put in place to mitigate this risk.
- Concerns were raised about the potential for an inappropriate consolidation of power, however Council noted that Standing Orders covered the arrangements which would

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apply in the event that the Chair was not available or there was a need for an urgent Council decision, neither of which was reliant on the involvement of the SID.

- The decision on the composition of the interview panel was queried once again but Council, having considered the point raised by ARAC, and the deliberations of Nominations Committee was content to let the planned arrangements stand.

It was noted that any member of Council with a concern about any aspect of the interim arrangements could approach Christine Gibbons to discuss the matter further. For all other concerns, the current SID would continue to be the appropriate route.

Council approved nominations made for membership of Court and noted the outcome of elections to Court. It agreed to delegate to Nominations Committee authority for approving the appointment of further members to fill the vacancies listed in appendix 3, having first circulated the list of names to Council for comment.

Council approved the following committee membership changes:

- The appointment of David Hardy as a member of Finance Committee and removal of him as a member of ARAC; and
- The appointment of Maria Bond as a member of ARAC and removal of her as a member of the Finance Committee.

Council noted progress in the recruitment of a new Treasurer and an update on interim arrangements.

Action: Nominations Committee to approve final names for Court once nominations have been received.

Action: Membership of the Finance Committee and ARAC to be updated on the website.

7371 – Honorary Degrees Committee – C21/22 – 32

On the recommendation of Senate, Council approved amendments to the Terms of Reference of the Honorary Degrees Committee and approved amendments to Ordinances in relation to honorary degrees.

Action: Update the Terms of Reference for the Honorary Degrees Committee on the website.

Action: Update Ordinances to reflect changes to honorary degrees and publish on the website.

7372 – Annual Report and Financial Statements

Council noted that the Annual Report and Financial Statements had been available to members of Council on Convene for some time; they had been considered by the Finance Committee and the Audit and Risk Assurance Committee on 4 November 2021; and would be formally approved by Council at its meeting on 29 November 2021, when Council would also consider reports from both of those committees.

7373 – Climate Action Framework – C21/22 – 33

Council noted a report on the Climate Action Framework project.

7374 – Senate minutes – C21/22 – 34

Council noted minutes from the meeting of Senate which took place on 6 October 2021.

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7375 – Minutes of Joint Committees of Council and Senate – C21/22 – 35

Council noted minutes from the meeting of Council Senate Students' Union which took place on 2 November 2021.

7376 – Programme of Meetings for 2021/22 – C21/22 – 36

The programme of meetings of Council and the proposed items of business for the next meeting were noted. The meetings would be as follows:

- Monday 29 November, 3.45pm (remote meeting to discuss the Annual Report)
- Thursday 24 February, 9.30am (Council Chamber)
- Wednesday 23 March, 9.30am – Council Spring Strategy Day (venue tbc)
- Thursday 12 May, 9.30am (Council Chamber)
- Thursday 21 July, 9.30am (Council Chamber)

7377– Any Other Business

There was no further business.

The meeting finished at 12.40pm.

Sections of three of the agenda items have been redacted either because they pertain to information relating to individual staff or students, or because they are still commercially confidential.
