

Approved



UNIVERSITY COURT

MINUTES

of the meeting of the University Court held on 19 October 2016 at 2pm in the Boardroom of the University.

Chair: Mr E Frizzell

Mr M Batho	Ms G Ghafoor	Right Rev Dr N Peyton
Mrs L Baxter	Mr M Grossi	Mr C Rae
Ms A Boyle	Dr M Hinfelaar	Dr J Rees
Mr J Burt	Mr G MacDougall	Mrs S Scott
Dr A Cornish	Mr I McDonald	Professor N Seaton
Mr R Fletcher	Professor S Olivier	Dr S Waiton

Secretary: Mrs S Stewart
Clerk to Court: Dr A Ramsay

In attendance: Mr D Reeves
Mrs C Summers (Item 6)
Ms K Radford
Mr E Baines

Apologies for absence were intimated on behalf of Ms A Cameron, Mr D Dorward, Mr C Macdonald, Mr C Marshall, Mr G McCullough, Mr M Shaw and Professor E Wilson.

NON-RESERVED AREAS OF BUSINESS

1 WELCOME

The Chair welcomed members to the meeting and, in particular, welcomed Kayleigh Radford and Ed Baines, who were attending on behalf of the Students' Association in the absence of both the Student President and Vice-President. Court joined Mr Frizzell in sending Mr C Marshall good wishes and noted that Professor E Wilson was recovering well from her recent surgery.

Court thanked the University for the opportunity to attend the poster session of the Teaching and Learning Enhancement Conference and commended this most positive and well-attended event.

2 DECLARATION OF POTENTIAL CONFLICTS OF INTEREST

The Chair reminded members of their responsibility to indicate if they had, or could be perceived to have, a conflict of interest in relation to the items for discussion. Professor Seaton declared a potential conflict of interest under item 15 regarding pension tax for high earners. It was agreed that this would

be noted.

3 MINUTES OF THE MEETING OF THE CHAIR'S COMMITTEE HELD ON 10 OCTOBER 2016

Court noted the above minutes, submitted for information as Enclosure 1.

4 MINUTES OF THE MEETING OF THE UNIVERSITY COURT HELD ON 22 JUNE 2016 – UNRESERVED AREAS OF BUSINESS

Court approved the above minutes, submitted as Enclosure 2, as an accurate record.

5 MATTERS ARISING FROM THESE MINUTES

The Chair advised Court that there was one matter arising under paragraph 99, regarding the sale of Alloway Halls. Mr Frizzell noted that the disposal of the residence had been concluded to the mutual satisfaction of both parties and that a very positive article had been published in The Courier newspaper.

Thereafter, Court noted that there were no other matters arising which were not already on the agenda.

6 SFC OUTCOME AGREEMENT 2015/2016 SELF-EVALUATION

CT/1016/03

[Secretary's note: the Director of Strategic Planning joined the meeting at this point]

The Director of Strategic Planning introduced the above paper, intended to provide Court with a draft report on progress made against the outcomes in the University's 2015/2016 Outcome Agreement with the Scottish Funding Council.

Mrs Summers advised Court that the University was required to submit an annual report to the SFC by 31 October each year on progress against the previous year's targets as well as providing an early indication of progress towards 2016/2017 outcomes, particularly in relation to widening access measures. Members were advised that the University had delivered the outcomes related to widening access, although the SFC measures did not capture all contextual offer information. Retention rates as defined by the HESA performance indicator had dropped but this was partly due to a change in the way in which awards were recorded. Scores in the NSS and in graduate employment had improved and 2016 had seen a 13% increase in research project income against 2020 targets. Knowledge exchange income had fallen by 12%, impacted by the conclusion of several multi-year European Structural Fund grants.

In discussion, Court noted that, while graduate employment had improved, Abertay's performance was relatively low in comparison with other Scottish universities. Members were advised that the success of several of the University's non-traditional programmes meant that a significant number of students left to enter employment before completing their degree. The University had identified employability as one of five strategic priority themes and work was underway to address this.

Members sought further information on the destinations of leavers and it was agreed that the Director of Strategic Planning would produce a short paper,

which would be presented to a future meeting of Court.

Thereafter, Court approved the report.

[Secretary's note: the Director of Strategic Planning left the meeting at this point]

7 ABERTAY UNIVERSITY AND BREXIT

CT/1016/04

The Principal and Vice-Chancellor introduced the above paper, which had been prepared to apprise Court of the elements of the University's business potentially and actually affected by the UK leaving the EU. Professor Seaton noted that the EU referendum had not yet been held when Court had last met and that, until the terms of Brexit were known, the University would require to plan for a number of scenarios.

In discussion, Court commended the swift action taken by the University to reassure EU staff, noting that there were 44 European members of staff. Members urged management to give consideration to how best to diversify its income streams and were advised that the Director of External and Corporate Relations was reviewing the University's marketing activities to enhance Abertay's global presence. The importance of overseas fee income to the HE economy was noted at a time when the UK government's policy on overseas student visas was likely to deter applications.

Thereafter, Court thanked Professor Seaton and noted the report.

8 REPORT OF SENATE

CT/1016/05

Court received and considered the above summary of matters discussed by Senate at its most recent meeting in October. Members noted the activities of the working group established to consider the membership of Senate in view of the Higher Education (Scotland) Act 2016 and the likely timescale for these discussions.

Thereafter, Court noted the report.

9 HEALTH & SAFETY ANNUAL REPORT

CT/1016/06

The University Secretary introduced the above report. Mrs Stewart advised members of the continued downward trend in accidents in the University and of first-aid training provided to staff.

Members noted further training delivered in-house, including: Manual Handling; Display Screen Equipment; Working at Height; and, Fire Warden Emergency Procures.

Thereafter, Court noted the report and commended the Healthy Working Lives Group in gaining the Gold award.

10 ANNUAL REPORT ON COMPLAINTS HANDLING

CT/1016/07

The University Secretary introduced the above annual report on the handling of complaints by the University in session 2015/2016. Mrs Stewart advised members that fewer complaints had been received than in the previous two sessions. As overall numbers were low, it was difficult to draw meaningful

conclusions as to trends and, although five complaints had been made about the Dundee Business School, three of these were not upheld.

Members noted that the most common type of complaint related to 'University policies, procedures and administration', followed by 'teaching and assessment'.

Thereafter, Court noted the report.

11 PREVENT DUTY ANNUAL REPORT

CT/1016/08

The University Secretary introduced the above report, produced to enable the governing body to monitor institutional compliance with the Prevent Duty under Section 26(1) of the Counter-Terrorism and Security Act 2015. Mrs Stewart advised Court that the University was required to have policies and procedures for safeguarding events whilst maintaining a commitment to freedom of speech and for the sharing of information about vulnerable students. Further requirements on the University related to active engagement with Prevent partners including Police Scotland and providing staff with training.

The Chair of the People, Health and Equality Committee advised Court that the report had been discussed in detail by the People, Health & Equality Committee, particularly in relation to the External Speakers Policy. It was noted that the Abertay Students' Association did not support the Policy in principle but recognised that it was a legal requirement. Court was advised that the University had a responsibility to implement the requirements of the Duty whilst maintaining its commitment to academic freedom.

Thereafter, the Committee accepted the report.

12 ANNUAL REVIEW OF THE EFFECTIVENESS OF COURT

CT/1016/09

The University Secretary introduced the above report, noting that the Scottish Code of Good HE Governance required the governing bodies of universities to review their effectiveness annually, and, in that context, both to measure compliance with the Code and performance against Court's Statement of Primary Responsibilities.

Mrs Stewart reminded members that Court had agreed in June 2015 that it would consider an evaluative annual report on quantitative and qualitative aspects relating to the conduct of Court and its committees in the preceding academic year. The report, which had been considered by the Governance & Nominations Committee, was the second such report and was recommended to Court for approval.

Court was advised that overall attendance at meetings had improved from 77% to 82% and that the gender balance amongst independent members of Court as at 1 August 2016 had risen from 39% to 44%. Members noted the development opportunities offered, both by the University and by external bodies such as the Leadership Foundation for Higher Education. Stakeholder engagement activities were noted and feedback on the volume of business conducted at meetings deemed appropriate.

In discussion, one member requested an update on staff engagement activities and was advised that an action plan had been developed for

improving communication with staff. Further developments included giving consideration to a staff common room. A fuller update on activities would be provided to a future meeting of Court.

Thereafter, Court approved the report.

13 INDICATIVE COURT BUSINESS FOR 2016/2017

CT/1016/10

Court received and considered the above indicative agenda items for session 2016/2017. In discussion, members identified the destinations of leavers and staff engagement activities as topics for inclusion in future meetings.

Thereafter, Court approved the indicative agendas for session 2016/2017.

14 AUDIT COMMITTEE: MINUTES OF THE MEETING HELD ON 11 OCTOBER 2016

The minutes of the above meeting, submitted as Enclosure 11, were approved.

The following matters were noted:

14.1 Internal Audit: Student Experience report

(paragraph 8.1 refers)

Court noted the Committee's consideration of the internal auditors' review of the student experience, which had identified two moderate and two low-rated control weaknesses, all of which had been accepted by management.

14.2 Internal Audit: annual report

(paragraph 8.2 refers)

Court noted the Committee's consideration of the annual opinion on the internal auditors' assessment of the effectiveness of the University's systems of internal control. Members were advised that, based on the work undertaken in 2015/2016, KPMG was of the opinion that significant (with minor improvements) assurance could be given on the overall adequacy and effectiveness of the University's framework of risk management, internal control and governance. No reports had been issued with critical recommendations. One report with high-rated recommendations had been issued in relation to selected IT risk areas.

14.3 Internal Audit: Follow-up Report

(paragraph 8.3 refers)

Court noted that the Committee had received and considered a report of a follow-up review to determine progress made by management in implementing previously-agreed internal audit recommendations. Members noted that good progress had generally been made.

14.4 External Audit: Annual Report and Letter of Representation

(paragraph 10 refers)

Court noted the Committee's consideration of the above draft annual report letter from the external auditors, including the interim letter of representation. Mr Pitt of PwC advised members that no significant control issues had been identified with management proactive in

addressing any weaknesses identified and putting reliable controls in place.

Court noted that no unadjusted misstatements had been identified and that significant testing had revealed no errors which required adjustment to the financial statements in relation to fraud and revenue recognition.

14.5 Annual Report on Procurement (paragraph 12 refers)

Court noted the Committee's consideration of the above annual report on the procurement function, commending the rapidity with which progress had been made.

14.6 National Audit Matters (paragraph 14 refers)

Court noted that the Committee had received the Audit Scotland report on the audit of public spending in Higher Education.

15 FINANCE & CORPORATE PERFORMANCE COMMITTEE: MINUTES OF THE MEETING HELD ON 4 OCTOBER 2016

The minutes of the above meeting, submitted as Enclosure 12, were approved.

The following matter was approved:

15.1 Amendments to Financial Regulations (paragraph 14 refers)

Court endorsed the recommendation of the Committee that the Procurement section of the University's Financial Regulations be amended in relation to internal procurement thresholds and the Sole Supplier authorization process.

The following matters were noted:

15.2 Proposed Investment Strategy (paragraph 6 refers)

Court noted that the Committee had received and considered the above paper on proposed alternative approaches to the management of the University's investments.

15.3 Draft University 2016 Integrated Report and Financial Statements (paragraph 7 refers)

Court noted the Committee's consideration of the above financial statements which would be discussed as a substantive agenda item.

15.4 SFC 2015/2016 Outcome Agreement self-evaluation (paragraph 8 refers)

Court noted the Committee's consideration of the above self-evaluation report, which had already been discussed as a separate agenda item.

15.5 University Finance Report (paragraph 9 refers)
Court noted the Committee's consideration of a Finance Report which provided the Committee with an integrated view of the University's current financial position, including the actual 2016 result and an examination of future outlook, debt management and treasury management.

15.6 Kydd Building Project update (paragraph 10 refers)
Court noted that the Committee had received and considered a report on progress to date on the laboratory and cladding project.

15.7 Candidate Capital Projects 2016/2017 (paragraph 11 refers)
Court noted the Committee's consideration of four projects being considered for the next phase of development under the capital plan for investment in the University estate and ICT infrastructure.

15.8 Procurement overview and update (paragraph 12 refers)
Court noted the Committee's consideration of the above overview of the procurement function and proposed future developments.

15.9 Procurement annual report (paragraph 13 refers)
Court noted that the Committee had received and considered the above annual report on the procurement function.

15 DRAFT ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 JULY 2016

CT/1016/13

Court received and considered the University's annual report and financial statements to 31 July 2016. Members noted the expanded format of the report and welcomed the additional narrative, which had significantly enhanced members' understanding. In discussion, members commended the report and noted that, in future, different iterations of the report accompanying the financial statements would be produced for different constituencies of stakeholders in close collaboration with the Directorate of External and Corporate Relations.

Thereafter, Court approved the annual report and financial statements.

16 GOVERNANCE & NOMINATIONS COMMITTEE: MINUTES OF THE MEETING HELD ON 13 SEPTEMBER 2016

The minutes of the above meeting, submitted as Enclosure 14, were approved.

The following matters were noted:

16.1 Higher Education Governance (Scotland) Act: work-plan for implementation of the Act at Abertay (paragraph 5 refers)
Court noted the Committee's consideration of the above work-plan, intended to apprise members of early thinking on implementing the

Act, which would require careful preparation in implementing changes to the composition of the governing body.

16.2 Review of the Scottish Code of Good HE Governance: update
(paragraph 6 refers)

Court noted that the Committee had received an update on the current review of the Scottish Code of Good HE Governance, noting that the consultants reviewing the Code were expected to present their report to the Code Review Steering Group in December 2016.

16.3 Draft report on the annual review of Court's Effectiveness
(paragraph 7 refers)

Court noted the Committee's consideration of the draft report, which had already been discussed as a substantive agenda item.

17 PEOPLE, HEALTH & EQUALITY COMMITTEE: MINUTES OF THE MEETING HELD ON 6 OCTOBER 2016

Court received and approved the minutes of the above meeting, submitted as Enclosure 15.

The following matter was approved:

17.1 Reserved Forces Policy
(paragraph 7 refers)

Court endorsed the recommendation of the Committee that the above policy on support available for staff in the Reserve Forces. It was noted that this policy had not been considered by the Joint Liaison Group.

The following matters were noted:

17.2 Brexit: implications for Abertay staff
(paragraph 6 refers)

Court noted the Committee's consideration of the above report, which had already been discussed by Court, under item 7, above.

17.3 Health & Safety Annual Report
(paragraph 9 refers)

Court noted the Committee's consideration of the above report, which had already been discussed by Court, under item 9, above.

17.4 Prevent Duty Annual Report
(paragraph 11 refers)

Court noted the Committee's consideration of the above report, which had already been discussed by Court, under item 11, above.

The Chair of the Committee advised Court that the University had been awarded the Race Equality Charter Mark (RECM) Bronze award and was the only Scottish University to receive this award. Court commended the significant degree of effort by University staff in the preparation of the application.

18 REPORT OF THE REMUNERATION COMMITTEE

CT/1016/16

The University Secretary introduced the above report, which provided a

summary of the considerations of the Remuneration Committee at its recent meeting. Court approved the recommendation of the Committee that the University should offer a salary supplement (on a cost-neutral basis) for any staff member who chooses to opt out of their pension scheme due to the lowering of the annual and lifetime allowances. It was agreed that Mrs Stewart would circulate to members the KPMG presentation on pension tax and high earners.

Members noted that specific information about the Committee's decisions regarding the remuneration of individuals would be provided as a separate reserved item.

19 ROLE OF THE INTERMEDIARY

CT/1016/17

The University Secretary introduced the above report, which reminded members of the process and timescale for the Intermediary to hold discussions with members in relation to the appraisal of the Chair of Court.

Thereafter, Court noted the report.

20 GRADUATION CEREMONY: 25 NOVEMBER 2016

The Chair advised Court that the University's Winter Graduation ceremony would take place on Friday 25 November 2016 and encouraged members to attend.

21 ANY OTHER COMPETENT BUSINESS

The Chair noted that the non-reserved business of Court was concluded and thanked members for their contribution.

22 DATE OF NEXT MEETING

Court noted that the next meeting would take place on Wednesday 14 December 2016 in the Boardroom of the University.

.....
CHAIR