

Approved



UNIVERSITY COURT

MINUTES

of the meeting of the University Court held on 14 April 2021 at 2.00pm *via* Microsoft Teams.

Chair: Mr M Shaw
Vice-Chair: Dr A Ingram

Ms N Ahmed
Professor L Bacon
Ms D Bandeva
Mr J Barnett
Mrs A Duffy

Ms G Ghafoor
Ms V Lynch
Mr J Macgregor
Mr A Marks
Mr I McDonald

Ms F Robertson
Dr A Samuel
Professor N Seaton
Ms C Summers

Secretary: Mrs S Stewart
Clerk to Court: Dr A Ramsay
In attendance: Ms G Bell
Ms E Fraser
Mr J Nicholson (minute 76.1)
Mr E McCubbin
Ms J McKenzie
Ms D Maclean (minute 64)
Mr G Weir

NON-RESERVED AREAS OF BUSINESS

62 WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed members to the meeting and noted those in attendance as Ms E Fraser, Ms G Bell, Mr E McCubbin and Mr G Weir. Ms J McKenzie was welcomed as observer from Communications and Ms D Maclean, the University Health & Safety Officer, was in attendance to deliver a presentation on 'Leading Safety'.

Apologies were received from Mr A Bailey, Mr E Baines, Professor T Inns, Mr F Keir, Mr G MacDougall, Ms C MacEachen and Dr K Smith.

63 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 non-reserved items for discussion. Mrs A Duffy and Dr A Samuel declared a potential conflict of interest in relation to the item on pension provision for future support staff. Ms V Lynch declared a potential conflict in relation to the nominations for new lay members of Court.

Thereafter, no further declarations were made.

64 PRESENTATION: 'HEALTH & SAFETY: LEADING THE WAY'

The Chair welcomed the University Health & Safety Officer, Ms D Maclean, to the meeting. In the course of a detailed presentation, Ms Maclean apprised Court, *inter alia*, of the responsibilities of her role and its importance in raising awareness amongst staff to ensure their safety and professional development. As the employer, Court had legal responsibilities to staff under section 2 of the Health & Safety at Work Act, although the Principal remained the accountable officer.

Ms Maclean advised members of the improvements in Health & Safety within the University since her appointment, including the development of a Health & Safety Strategy and associated Policies and Procedures along with digital guidance for staff. Further training for staff was planned to enable Schools and Services to measure and report upon their own performance.

In discussion, members noted the importance of moving guidance for staff online during the pandemic and took assurance from the enthusiasm and involvement of staff. The University Secretary advised Court that she had resumed the chair of the Health & Safety Sub-Committee and that she had established a short-life working group to map health and safety responsibilities at all levels within the University.

Thereafter, Court thanked Ms Maclean and looked forward to future updates. It was agreed that Ms Maclean would endeavour to include more comparability with other institutions in future reports.

65 MINUTES OF THE CHAIR'S COMMITTEE MEETING HELD ON 5 APRIL 2021 (for information)

Court noted the above minute, submitted as Enclosure 47, for information. The Chair advised Court that the possibility of scheduling a Court conference would be kept under review, noting potential topics for discussion as the Tay Cities Deal and the continuing relevance of the Strategic Plan 2020-2025.

66 MINUTES OF THE MEETING OF COURT HELD ON 3 FEBRUARY 2021: UNRESERVED

CT/0421/48

Court received and considered the above minutes, submitted as Enclosure 48 and approved them as an accurate record, subject to a correction requested by the President of the Students' Association.

67 MATTERS ARISING FROM THESE MINUTES

Oral report

67.1 Abertay University Report and Financial Statements

(paragraph 45 refers)

One member questioned whether the action to provide Court with further clarification on the operating surplus had been completed and was advised that the Vice-Principal (Strategy & Planning) had circulated this by email following the previous meeting of Court.

The Chair of Court requested an update on amending the authorised signatories for the University's investment portfolio managers, UBS. The University Secretary advised that this was still in progress.

Thereafter, there were no further matters arising that were not already on the agenda.

68 MEMBERSHIP: NOMINATIONS FOR NEW LAY MEMBERS

CT/0421/49

The University Secretary introduced the above report, intended to provide Court with information about the recent search for new lay members of Court by the Governance & Nominations Committee. The Chair of the Governance & Nominations Committee advised members that the calibre of candidates identified by Veredus had been outstanding and that the interview process had been extremely rewarding.

In discussion, members requested that the use of selection agencies be kept under review and that consideration be given to using as wide a range of tools as possible to increase diversity on Court. Ms V Lynch and Mr J Barnett intimated to Court that they were personally acquainted with one of the proposed new members.

Thereafter, Court unanimously accepted the recommendation of the Governance & Nominations Committee that the following individuals be appointed to the lay membership of Court with immediate effect:

Heather Dunk, OBE
Lynne Hamilton

Court further endorsed the recommendation of the Governance & Nominations Committee that the following individual be appointed to the lay membership of Court from 1 January 2022 or earlier if an appropriate vacancy arises:

Professor Emeritus Edith Sim.

69 COVID-19: UPDATE ON UNIVERSITY OPERATIONS DURING THE PANDEMIC

CT/0421/50

The Director of People & OD introduced the above report, intended to provide Court with an overview of the impact of the coronavirus pandemic on the University's staff and actions taken to support staff. Ms Fraser noted that, since the last meeting of Court in February, the University had continued to operate under its *Restricted Access* mode, which corresponded to the Scottish Government's Covid Protection Level 4. In practical terms, this meant that only essential staff were on-campus. Undergraduate students were only on campus for essential laboratory and practical classes with research students on-campus for research activities which could not be carried out elsewhere. The Library building was open for study, provided students booked in advance. Since the last meeting of Court, management had taken the decision not to recommence face-to-face teaching during Term 2 and would continue the current arrangements until the end of Term 2 whilst preparing for phased changes beginning on 26 April. At that point, the University expected to enter *Managed Access* mode with further relaxations expected on 17 May.

Professor Seaton advised Court that the University hoped to move to *Open Access* mode when the area moved to Protection Level 0 during the summer but that the emergence of Covid variants made the prospect of a third wave increasingly likely and that scenario planning was underway. Considerable

uncertainty remained in relation to student mobility, including the ability of students to travel to the University in the autumn and the details of any quarantine arrangements. Recent outbreaks had been recorded amongst students at Abertay's two nearest neighbours and a small number of students had been subject to Covid-related disciplinary action in recent weeks.

Thereafter, Court noted the report.

70 SCOTTISH FUNDING COUNCIL UPDATE

CT/0421/51

The Vice-Principal (Strategy & Planning) introduced the above report, intended to provide Court with an update on the recent SFC funding announcement, and the latest information from SFC on its Review of Coherence and Sustainability. Ms Summers advised members that SFC had released information on 25 March, which was appended to the report for members' information, on additional funding in financial year 2020/2021 and the indicative funding allocation for academic year 2021/2022. Although management was still working through its planning and budgeting processes, the funding announcement was more positive than initial planning assumptions.

Court was advised that the Senior Management Team (SMT) had discussed the announcement and had noted that, whilst the underlying funding per student would increase by 1.5%, it was likely that costs would outstrip this, necessitating a greater focus on efficient delivery and cash generation. The increase in funded places had been unexpected and, although the University intended to achieve full funding for more of its students, greater competition for Scottish-domiciled students would coincide with the reduction in those students eligible for SFC funding because of the change in status of EU students. Ms Summers noted that this would likely result in some turbulence in the recruitment process this year.

In terms of the Review of Coherence and Sustainability, SFC had published a communication on 24 March which provided a broad update on the 'developing thinking' of the Review but with no clear proposals and without timescales for further developments or engagement with the sector. It did, however, state SFC's intention to provide a final report and recommendations during summer 2021, where priorities would be grouped under three headings:

- Emergency Years, focused on the response to the pandemic.
- Ongoing Policy Development, highlighting SFC's focus on skills alignment, apprenticeships, employer engagement, investment in digital, fair access & transitions and the student voice.
- Developing Future Frameworks, noting key areas for development in phase 3.

In discussion, members noted that management were still developing operational and financial plans, which would be submitted to FCPC for consideration and ultimately presented to Court at its next meeting in June.

Thereafter, Court noted the report and thanked Ms Summers.

The Principal introduced the above paper, intended to apprise members of developments and consultations since Court had first considered the proposal on 3 February 2021 to close the Local Government Pension Scheme (LGPS) to new entrants and introduce a new defined contribution (DC) pension scheme. Professor Seaton advised that the proposal had now been considered by the four committees of Court and by the local trade unions. The unions had provided a joint written response indicating that they did not support the proposal and making a number of points, which had been circulated to Court members as part of the above paper. Following a meeting of the Joint Liaison Group (JLG) on 1 April, the unions also wrote to the chairs of the Audit & Risk Committee and the People, Health & Equality Committee.

Members noted that all four committees of Court had been supportive of the proposal in general to manage future risk for the University but had sought further information on the specific establishment of the new scheme. Careful procurement and management in the creation of the new scheme was essential, as was effective communication with staff. An all-staff email regarding the proposed changes had been issued on 15 March 2021, with one email received in response. Members noted that the actual cost of the new scheme would not be known until the procurement process had been completed. The Vice-Chair of Court cautioned members not to make comparisons between the two schemes, noting that the employer can only offer its employees choice, not advice in matters of finance.

In discussion, the Court members nominated by the trade unions reiterated their opposition to the scheme and indicated that they did not accept the rationale for the change, noting their belief that this action could destabilise the LGPS for current members. Dr Samuel further stated that he had been informed that the proposed new scheme was a poor substitute for the LGPS. One member requested further information to understand the suggestion that the move would be beneficial to the institution in the long term when it seemed likely that this would raise the cost to the University of managing the LGPS until 2023/2024. The Principal advised that this cost would diminish as active membership of the LGPS reduced. The President of the Students' Association intimated her intention to abstain from any vote and questioned how management could demonstrate savings when the cost of the scheme had not been calculated.

The member of Court nominated by Unite questioned whether new members of support staff would be compelled to join the new scheme and whether management intended to force current LGPS members to transfer their membership in future. Professor Seaton stated that there was no intention of this happening for as long as he remained Principal of the University.

Court members recognised that this was clearly an emotive issue but noted their responsibility as governors to ensure the future financial stability of the institution where the current pensions arrangements would become unsustainable in the longer term. The need for a clear communications strategy to provide staff with assurances was emphasised.

Thereafter, Court agreed to approve the proposal to proceed with a new pension scheme for future support staff.

The Vice-Principal (Strategy & Planning) introduced the above annual report on performance against the 15 key performance indicators (KPIs) intended to support the implementation of the 2020-2025 Strategic Plan. Ms Summers advised members that Court was specifically being requested to consider proposed amendments to the targets and the revised approach to the RAG rating.

Ms Summers noted that, of the fifteen core KPIs:

- Four (NSS student satisfaction results, Scopus citations, staff gender pay gap, and overall research income) were on target and showed positive trends from the baseline.
- Two (contextual entrants and online qualifications) were within tolerance of target with neutral trends.
- Five were below target, with four showing a neutral trend and one lacking comparable historical data.
- There were no updates against four, due to a lack of updated data (in two cases because these were reported on a financial year basis; one was reported biennially; and one was awaiting data validation).

Given the considerable uncertainty regarding the University's future funding outlook as the global pandemic continued and in view of the lack of clarity emerging from the SFC and the Scottish Government, management had proposed changes to three of the original indicative targets. These were noted as KPI 03, KPI 06 and KPI 07. Ms Summers also advised Court of a change in management's approach to RAG ratings, intended to better distinguish between areas of unacceptably low performance and those where performance remained below target but was not an area of current significant concern.

In discussion, members considered the five KPIs currently below target. Professor Seaton advised that there was no single step which would improve student retention and that the Executive had identified in discussions possible changes to the assessment regime without lowering academic standards. Professor Bacon apprised Court of several initiatives intended to help students upskill on entry, as well as increased emphasis on boosting practical study skills which would be supported by funding from the Northwood Trust. Consideration was also being given to widening access issues where non-academic issues often led to student withdrawals.

Thereafter, Court accepted the report.

The minutes of the above meeting, submitted as Enclosure 54, were received.

The following matter was approved:

73.1 Severance Statement Revision (paragraph 49 refers)
Court noted the recommendation of the Committee to approve the proposed changes to the severance statement, which would be considered as a separate agenda item.

The following matters were noted:

73.2 Historic cladding report update and Astute fire report (paragraph 44 refers)
Court noted the Committee's consideration of the historic cladding and Astute fire reports and the assurances members had been given regarding the functionality, safety and insurance of the building.

73.3 Internal Audit: Report on review of blended learning (paragraph 47.1 refers)
Court noted the Committee's consideration of a report on the review of the University's use of Blended Learning, which had resulted in a judgement of substantial assurance.

73.4 Internal Audit: Report on review of Health & Safety Covid-19 compliance (paragraph 47.2 refers)
Court noted the Committee's consideration of a report on the review of the University compliance with the Health & Safety requirements of COVID-19 guidance, which had resulted in a judgement of substantial assurance.

73.5 The future of pension provision at Abertay (paragraph 48 refers)
Court noted that the Committee had considered the proposals regarding pension provision for support staff, which had already been discussed as a separate agenda item.

The Vice-Chair of Court reminded Court that the People, Health & Equality Committee had first requested sight of the historic cladding report two years prior and had constantly sought its submission since then.

Thereafter, Court approved the minutes.

74 FINANCE & CORPORATE PERFORMANCE COMMITTEE: MINUTES OF THE MEETING HELD ON 23 MARCH 2021

The minutes of the above meeting, submitted as Enclosures 55 and 56, were approved.

The following matter was approved:

74.1 Scheme of Delegation (paragraph 44 refers)
Court endorsed the recommendation of the Committee to approve the above revised Scheme of Delegation, appended to the minute as Enclosure 56.

The following matters were noted:

- 74.2 Operational & Financial Planning Update (paragraph 40 refers)
Court noted the Committee's consideration of a report intended to apprise members of the most recent operational planning update, which had also provided an update on the financial forecast for 2020/2021 and associated medium-term financial planning.
- 74.3 Historic cladding report update and Astute fire report (paragraph 42.1 refers)
Court noted the Committee's consideration of the above reports, which had received consideration at other committees of Court.
- 74.4 Kydd Building cladding project, phase V (paragraph 42.3 refers)
Court noted that the Committee had discussed an update report on Phase V of the Kydd Building cladding project, now due for completion in December 2021.
- 74.5 Pensions Provision for future support staff (paragraph 45 refers)
Court noted that the Committee had considered the proposals regarding pension provision for support staff, which had already been discussed as a separate agenda item.

Thereafter, Court approved the minutes.

75 GOVERNANCE & NOMINATIONS COMMITTEE: MINUTES OF THE MEETING HELD ON 2 MARCH 2021

The minutes of the above meeting, submitted as Enclosure 57, were received. The following matter was noted:

- 75.1 Pensions Provision for future support staff (paragraph 30 refers)
Court noted that the Committee had considered the proposals regarding pension provision for support staff, which had already been discussed as a separate agenda item.

Thereafter, the above minutes were approved.

76 PEOPLE, HEALTH & EQUALITY COMMITTEE: MINUTES OF THE MEETINGS HELD ON 11 MARCH 2021 AND ON 30 MARCH 2021

The minutes of the above meetings, submitted as Enclosures 58, 59 and 60, were received.

The following matters were approved:

- 76.1 Equality Mainstreaming Report CT/0421/59
Court endorsed the recommendation of the Committee to approve the above biennial Equality Mainstreaming Report, appended to the minute as Enclosure 59.

76.2 Self-Assessment of Procedures

CT/0421/60

Court endorsed the recommendation of the Committee to approve the above report on the University's self-assessment of its procedures, required by SFC following the publications of independent QC-led reports commissioned by the University of Strathclyde and Heriot-Watt University. This was appended to the minute as Enclosure 60.

The following matters were noted:

76.3 Historic cladding report update and Astute fire report

(paragraph 35 refers)

Court noted that the Committee had discussed the above reports at length and had been encouraged by commitments made by management to resolve outstanding issues.

76.4 Sickness absence annual report

(paragraph 39 refers)

Court noted that the Committee had received and considered the above sickness absence annual report, taking into consideration initiatives management could employ to reduce absence levels.

76.5 Occupational Health annual report

(paragraph 40 refers)

Court noted that the Committee had received and considered the above Occupational Health annual report, noting the significant contribution to the wellbeing of staff made by the Occupational Health Advisor.

76.6 Severance statement

(paragraph 41 refers)

Court noted the Committee's consideration of the above revised Severance Statement, which would be considered as a separate agenda item.

76.7 Pensions Provision for future support staff

(paragraph 42 refers)

Court noted that the Committee had considered the proposals regarding pension provision for support staff, which had already been discussed as a separate agenda item.

76.8 Historic Cladding report

(paragraph 53 refers)

Court noted that the Committee had received further updates from Estates at its meeting on 30 March regarding the historic cladding report.

76.9 COVID-19 report

(paragraph 56 refers)

Court noted that the Committee had received and considered the report on the internal audit review of compliance with COVID-19 health & safety guidance at its meeting on 30 March.

Thereafter, Court approved the minutes.

77 REVISED SEVERANCE STATEMENT

CT/0421/61

The Director of People Services & OD introduced the above revised Severance Statement, which had been discussed at the People, Health & Equality Committee at its meeting on 11 March and by the Audit & Risk Committee at its meeting on 30 March. Both Committees had recommended approval of the revisions as delineated in the document.

Thereafter, Court approved the above revised Severance Statement.

78 DRAFT COURT AND COURT COMMITTEE SCHEDULE SESSION 2021/2022

CT/0421/62

The University Secretary introduced the above draft Court and Court committee schedule for session 2021/2022. Mrs Stewart apprised Court of the rationale for the changes to the meetings of the Finance and Corporate Performance Committee and invited members to submit comments on the draft schedule to her or to Dr Ramsay by 14 May 2021. An updated schedule would then be circulated to Court.

Thereafter, Court noted the above draft schedule.

79 ACADEMIC MATTERS INCLUDING REPORT OF MARCH SENATE MEETING

CT/0421/63

The Deputy Principal introduced the above report on current academic business for information which also included a summary of items discussed by Senate at its most recent meeting in March 2021. Court commended management on the University being ranked Europe's top University for games courses by the Princeton Review for the seventh consecutive year, as well as being ranked in the global top 20 for undergraduate games courses and in the top 10 at postgraduate level.

Professor Bacon further advised members that the University was pleased to announce its first international partnership with the Maastricht School of Management in Romania and that Abertay would support a new 5G innovation hub to be located in Dundee.

Thereafter, Court noted the report.

80 ABERTAY STUDENTS' ASSOCIATION REPORT

CT/0421/64

The Abertay SA President introduced the above report, intended to update Court on the activities undertaken by the SA, taking into account the impact of COVID-19 on physical campaigning and on-campus presence. Ms Bandeva advised members that officers had been busy over the months since February and that the emergency Student Partnership Agreement had been finalised and signed off by the Principal and the SA President.

Court was advised that the 2021 elections for President and Vice-President had been conducted and that Mr Baines had been re-elected as Vice-President. Societies continued to operate well, despite the current restrictions on their activities, although some had been unable to meet. The SA had hosted an extremely successful Gameathon, which had raised £7.5K for three Dundee charities and had been organised by the Ethical

Hacking Society with help from the Abertay Live Society and the Smash Society.

Thereafter, Court noted the report.

81 ADVANCE HE GOVERNOR DEVELOPMENT PROGRAMME

CT/0421/65

The University Secretary introduced the above programme of events which could be of interest to members of Court, who were invited to contact Mrs Stewart or Dr Ramsay if they wished to be enrolled in either of the events.

Thereafter, Court noted the report.

82 ANY OTHER BUSINESS

No other business was declared.

Thereafter, the Chair thanked members for their contributions.

83 DATE OF NEXT MEETING

Court noted that the date of the next meeting was confirmed as Wednesday 23rd June 2021.

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CHAIR