

Council

3 July 2012

Minutes

Present: Ms J Evans (Chair)
Mr A Bicknell
Professor Adrian Clark
Mr M Draper
Professor P Hughes
Professor A Johnstone
Dr A Kent
Mr K Lewis
Mr C North
Mr C Smallwood
Mr M Stevens
Ms C Swarbrick
Professor J Weinberg
Mrs C Wilson

In attendance: Mr M Bery, Director of Finance and Resources
Mrs S Bowen, Secretary and Academic Registrar
Mrs W Gay, Joint Director of Human Resources (SGHT & SGUL)
Professor G Hall, Chair, Safety Management Committee (Minute 91)
Ms S Trubshaw, Clerk to Council and Head of Secretariat
Mr T White, Director of Planning

Apologies for absence were received from: Mrs Susan Thomas, Mr Graham Turner, Mr Luke Turner and Professor Sir Nicholas Wright.

Health and Safety

91. Health and Safety Issues

Received:

A report from the Safety Management Committee, and any issues that have arisen since the meeting of Council held on 13 March 2012.

Reported:

(i) Green League

The Green League results had been disappointing. The requirements for the Green League had grown over time which SGUL, as a smaller institution, found it more difficult to meet. Its co-location with SGHT which did not have any similar compliance requirements beyond those required by legislation, and SGUL's lack of control over its use of energy were also disadvantages. Meters had now been installed which would help to improve monitoring of energy consumption and it was noted that SGHT had committed to reducing its energy consumption by 20%. The appointment of a Joint Director of Estates and Facilities would help with addressing a number of estate wide issues, including waste disposal. It was noted that KU had appointed a Director of Sustainability and had done well in the Green League.

Currently the outcome of the Green League did not impact on funding.

(ii) Accidents and Incidents

A full investigation of the incident in relation to the Compactor Equipment had been carried out and safety procedures had been put in place to ensure staff safety.

(iii) Flooding

Daily inspections were being carried out in order that any flooding incident could be contained as quickly as possible.

Paper Council/5/A

92. Seminar – Competition Law

A seminar presented by Mills & Reeve covering the following topics was received by Council Members.

Key Issues

- With the introduction of changes to the funding environment universities are now considered to be ‘undertakings’ operating in a market, and therefore subject to competition law.
- The purpose of the Competition Act 1998 is to prevent anti-competitive behaviour.
- A central principle of competition law is that businesses should act independently when selling their products or services.
- Any confidential information exchanges between institutions that leads to a reduction in uncertainty in the market, even if prices to be charged are not agreed, would be an infringement of competition law.
- The exchange of information between competitors about future intentions on price and quantity is invariably regarded as having the object of lessening competition to an appreciable extent.

Data Sharing – What can be shared

- Institutions should not restrict input into the provision of statutory data returns to funding councils, UCAS and HESA.
- Data provided by these organisations in an aggregated form will still be available to institutions.
- Institutions can discuss information that is genuinely in the public domain and accessible to all (eg data on websites, in prospectuses, published OFFA agreements).
- Institutions can discuss or exchange information that would not influence their operational strategies.

Data Sharing – What cannot be shared

- Any data or information that is commercially sensitive which could be used by a competitor to adjust their commercial strategy should NOT be shared eg:
 - Unpublished fee information of OFFA agreements
 - Recruitment strategies

- Unpublished finance information which would enable others to 'reverse engineer' costs and hence likely fee strategies
- Number of places intended to be offered
- Courses intended to be run
- Competition Law would be viewed as being broken regardless of how information is shared eg via an informal conversation, a discussion at a meeting or written correspondence.
- Any infringement of Competition Law could result in a fine of up to 10% of global group turnover and third parties (such as competitors, customers and consumer groups) could claim damages.

Benchmarking

- Benchmarking exercises need to be approached with caution
- Benchmarking should not involve the exchange of 'strategically useful' information (either directly or via a third party).
- This type of information can, however, be exchanged if it is anonymised and aggregated such that it is not possible to attribute it to any one institution.
- Particular care is needed if benchmarking exercises take place between a small group of HEIs.
- It may be permissible to exchange historic data, provided it is no longer considered to be 'strategically useful' to the recipient.

Transparency

- It is recognised that competition law interacts with other legislation such as the Freedom of Information Act, and the Government's wider agenda on transparency of data and information.
- FOI requests need to be considered on a case by case basis but it is understood that if the data are felt to be commercially sensitive and therefore likely to infringe competition law, then the FOI exemption for this type of data could be applied.

Reported:

- (a) That the SGUL and Kingston University shared the Faculty of Health and Social Care Sciences under a Joint Venture Agreement. In order to set fees for FHSCS programmes some information on fees had to be shared between the two organisations. It was suggested that a process should be established for annual fee setting, which should be documented and evidence provided that the procedure was followed. This should include an outline of the information to be shared, and details of who agrees the joint fees and who will agree individual institution fees (these should not be the same).
- (b) That the Office of Fair Trading had recently sent out guidance to HEIs but had yet to bring a case against an HEI.

Agreed:

That the process would be agreed by the Director of Finance and Resources, in conjunction with Mr Martin Potter, Director of Finance, Kingston University, and the proposed process would be submitted to Council for approval at its meeting on 11 December 2012.

93. Remarks from the Chair

There were no remarks from the Chair.

94. Minutes

- (i) Received and approved:

Minutes of the meeting held on 13 March 2012.

Paper Council/5/B

- (ii) Received:

The notes of the Away Day held on 27 April 2012.

Paper Council/5/C

95. Matters arising from the Minutes

- (i) Minute 64 (i) & (iii): Gift Acceptance Policy

Reported:

That a draft Gift Acceptance Policy had been considered by the Audit Committee at its meeting on 28 February 2012 and 12 June 2012. A further draft would be considered in September 2012, and would be presented to Council at its meeting on 23 October 2012. The Terms of Reference of the Audit Committee would be amended accordingly as noted at Minute 64:(iii).

- (ii) Minute 72 (ii): The Equalities Code of Practice for the Research Excellence Framework 2014 (REF2014)

Reported:

That in accordance with the resolution of Council at its meeting on 13 March 2013, the Code of Practice had been reviewed against the Kingston University Equalities Code of Practice. The Code of Practice had been submitted to HEFCE.

- (iii) Minute 77(ii) NHS London Contract Negotiations for Adult Nursing and Physiotherapy

That the contract negotiations had been concluded before Easter, and in the absence of both the Chair of Council and the Principal, Mrs Sophie Bowen, Secretary and Academic Registrar had signed on behalf of SGUL. Professor Julius Weinberg, Vice-Chancellor, had signed on behalf of Kingston University.

- (iv) Minute 78: Honorary Awards

Reported:

- (i) That Professor Paul Andrews had accepted his nomination for the award of an Honorary Fellowship.
- (ii) That Sir Joseph Hotung had declined his nomination for the award of an Honorary Fellowship. Sir Joseph had been awarded an Honorary Degree of the University of London in 2002.
- (iii) That Professor Sir Peter Scott had accepted his nomination for the award of an Honorary Degree.
- (iv) Sir Graeme Davies would be attending to receive the award of an Honorary Fellowship which was made in 2011.

Principal's Report

96. Report from the Principal

Received:

A report from the Principal.

Reported:

Guardian League Table

That there appeared to be an anomaly with regard to the staff/student ratio (SSR) which was currently under review internally. As Council were aware following the changes to academic structures in support of the Strategic Plan, staff had been categorised as Research only, Research and Teaching and Research and Scholarship. However, it was noted that staff categorised as Research only also undertook a minimum of 10% of teaching. There was some concern that these staff had not been returned appropriately and that the SSR may have suffered as a result.

INTO Validation

An initial validation event had taken place on 8-9 May 2012. The Validation Panel suggested that greater certainty was required with regard to the US clinical placements, and it was also recommended that the curriculum and methods of assessment should be similar to those of the MBBS programmes in London and Nicosia. The Validation Panel had agreed to return at the end of July to give further consideration to the programme. Dr Andy Kent, Dean of Education, was leading a project team which would address the issues raised by the Validation Panel.

Paper Council/5/D

Supporting the Strategic Plan

97. Strategic Plan Reporting Framework

Received:

The targets for the Key Performance Indicators (KPIs).

Reported:

That there were 64 quality indicators, and 12 KPIs. Two further KPIs had been proposed with regard to Teaching Quality and Staff, and further discussions were underway to identify an appropriate KPI and associated target. Further consideration had also been given to identifying competitors in order to benchmark the KPIs. It was likely that the benchmark groups would be different for different KPIs. A summary monitoring report was provided in a 'thermometer' form, with arrows indicating a rise or fall (or the same) against target between reporting dates. The REF quality profile would be determined following the dry run in Autumn 2012.

Factors that would affect the next report to Council would be the outcome of the REF dry run, the INTO validation and the results of the NSS which were expected in early August. It was suggested, in relation to the proposed staff metric, that a very short staff survey (five questions), which would be easy to administer should be undertaken at regular intervals. It was agreed that the Joint Director of Human Resources would investigate this further.

Paper Council/5/E

Research

98. REF2014 Preparations and Joint Research and Enterprise Office

Reported:

REF2014

That consideration was being given to the configuration of the Units of Assessment (UoA), and three broad areas were currently under consideration, together with a joint submission:

- Clinical Medicine (Cardiovascular medicine, Infection and Immunology, Stroke)
- Allied Health (Epidemiology)
- Biological Sciences (Biomedical Sciences, Genetics)
- Joint Submission in Nursing with Kingston University

A mock REF using External Assessors would take place in early Autumn. Research outputs from eligible staff would be reviewed and advice taken on the configuration of SGUL's submission. The external reviewers were currently being recruited.

It was noted that Nursing had been included in the dry run undertaken by Kingston University. It had not yet been decided whether it would be included in the SGUL mock REF. Discussions were continuing with regard to nursing and where it might sit for the most optimal outcome.

It was noted that SGUL had good impact case studies, and these would be developed further in the light of the outcomes of the mock REF.

Joint Research and Enterprise Office (JREO)

That recruitment of a Director of the JREO was underway. Interviews had been held but the post had not yet been accepted. An interim structure for managing the JREO was in place.

Paper Council/5/F

Human Resources

99. Staff Survey

Considered:

A plan detailing actions that will be taken following the Staff Survey conducted in summer 2011.

Reported:

That the Staff Survey had been carried out in the Summer of 2011. This was the second staff survey, the first having been carried out in 2007/2008. The overall response rate had been 48%. In addition to the survey Capita had conducted three focus groups and two interviews with a total of 20 staff. Capita had reported that whilst the number of staff involved in the groups and interviews was small, there had been generally consistent themes expressed by staff irrespective of their staff group. An action plan had been drafted and this had been discussed initially at the Principal's Advisory Group (PAG). Additionally proposals for a Leadership Framework were also under consideration.

The following points were noted:

- (i) That the survey was quite cumbersome and a more nimble mechanism would be considered for future surveys.
- (ii) That many of the issues related to communications and it was expected that these issues would be addressed as part of the External Relations, Communications and Marketing Review.

- (iii) That external factors beyond SGUL's control were also impacting upon staff morale, and these were difficult to control. Staff needed to be made aware of these external issues and the limited impact any HEI could have upon them.
- (iv) That the response rate of 48% was low in comparison to Capita's other clients, and had also fallen since the previous survey in 2007/2008 when there had been a 68% response rate.
- (v) That most staff survey's would focus on communication as an issue, and this distracted from other deeper issues that might also warrant attention.

Agreed:

That a further report would be made to the meeting of Council on 23 October 2012.

Paper Council/5/G

100. Human Resources Report

Received and noted:

A report from the Joint Director of Human Resources.

Paper Council/5/H

Governance

101. HEFCE Assurance Review

Reported:

- (i) That the HEFCE Assurance Review visit had taken place on 2 May 2012. The Interim report had been received. SGUL had received the highest outcome of 'Reliance'. There were no recommendations. There were three suggestions for improvements including an external effectiveness review of Council. The two other suggestions referred to data returns and their oversight by the Audit Committee. These had been taken forward by the Audit Committee.

It was noted that this was an excellent outcome and Susan Trubshaw, Head of Secretariat, and her team were thanked for their work which had contributed to the achievement of this outcome.

Paper Council/5/I

- (ii) That an effectiveness review of Council by an external facilitator would be undertaken in the next academic year.

102. Revision of the Scheme and Statutes

Considered:

The proposals and plan for revising the Scheme and Statutes. It was noted that all HR policies would also be reviewed as part of the process.

Agreed:

The proposals and plan for the revision of the Scheme and Statutes.

Paper Council/5/J

Partnerships

103. International Developments

Reported:

- (i) As reported in Minute 96 above, an initial validation event for the MBBS4 and MBBS5 had been held on 8 and 9 June 2012. The panel had agreed that it required more information on the arrangements for clinical placements and had also recommended changes to the curriculum and the scheme of assessment. A further validation event will be held on 23 July 2012. Dr Andy Kent, Dean of Education, was taking a leading role on academic development and Leigh Gallagher, Registry, would be working full time on the preparations for the validation. It had been agreed to model the curriculum and scheme of assessment on the already established SGUL programmes, although for non USA students there would need to be an earlier end date in order that J1 visas could be obtained.

Paper Council/5/K

- (ii) Minutes of the International Committee, the INTO/St George's Joint Venture Board, and the University of Nicosia Steering Committee were reported to SPARC on 30 May 2012, and were available to Council Members on request.

104. Memorandum of Understanding with SGHT

Considered:

The Memorandum of Understanding with SGHT.

Reported:

That a Memorandum of Understanding (MOU) had been under consideration for some time. The impetus for producing the MOU had come from the Joint meeting of the SGHT Board and SGUL Council, held in 9 February 2012, where there had been discussion of a range of joint activities including shared services, AHSN, AHSC etc. The MOU was designed to encapsulate the current range of joint activities, whilst both organisations retained their distinct missions and strategic plans. The document was a public declaration of the commitment of both organisations, and would also allow the Principal and the Chief Executive of SGHT, to speak on behalf of 'St George's' when this was appropriate.

It was noted that the Trust Board had reviewed the MOU informally, and that it would be formally approved at the next Trust Board Meeting. Additionally it was noted that reference to the Faculty of Health and Social Care Sciences and Kingston University would also be included.

Agreed:

That the Memorandum of Understanding was approved, subject to the addition of references to Kingston University.

Paper Council/5/L

STATUTORY DUTIES

Students' Union Issues

105. Students' Union Report

Reported;

That the Students' Union (SU) had had a successful year. The Freshers Week for both postgraduate and undergraduate students had been well received. The students had raised £23 k for charity during the year (£8k-RAG, £10k general charity work and £5k from the fashion show). The men's football team had reached the ULU final, and there had also been success for the cheerleading team and for the boat club. The Students Awards evening had gone well. Professor James Ryan had been awarded Best Lecturer.

The elections had gone well, and Matthew Owen had been elected as Student Union President, Lauren Wellburn, Vice President (Education and Welfare) and Nathan Eager Vice President (Finance and Student Activities).

Finance

106. Finance Issues

Received:

- (i) The Five Year Forecasts submitted to HEFCE on 20 June 2012

Reported:

That the forecasts for the INTO projects had been adjusted to include additional prudence. It was noted that overall the sensitivities included in the forecasts had proved to be more positive than negative.

Paper Council/5/M

- (ii) The Finance Committee Report

That a strategy for reducing the debt between SGHT and SGUL was under discussion, and a protocol for simplifying the recharging process had been drafted. It was hoped that this would help to reduce the overall level of debt between the two organisations.

Paper Council/5/N

107. Cost Savings Programme

Received:

A report on the Cost Savings Programme.

Reported:

That there were two outstanding redundancy cases currently being taken forward. Aside from the two outstanding cases the cost savings programme had been completed. A final report would be made to Council at the meeting on 23 October 2012.

Paper Council/5/O

108. Access Agreement 2013-2014

Reported:

The Access Agreement submitted to HEFCE on 31 May 2012.

Reported:

That the Access Agreement had been submitted. The outcome would not be known until 31 July 2012. The immediate focus would be on the implementation of the 2012-2013 agreement.

Paper Council/5/P

Audit

109. Audit Committee

Received:

A report from the Chair of the Audit Committee.

Paper Council/5/Q

Considered and approved:

The amended Terms of Reference for the Audit Committee, in accordance with the suggested improvement action by HEFCE following the HEFCE Assurance Review (See Minute 101 above.)

Paper Council/5/R

110. Risk Management and Efficiency Committee

Received:

- (i) The Summary Risk Register
- (ii) The Key Risk Indicator Table and commentary on changes to the risk scores following the meeting of the Risk Management and Efficiency Committee on 23 May 2012.

Reported:

- (a) That the overall risk score for O8 - Failure to mitigate risks presented by a decrease in HEFCE funding had been reduced to 16 from 20, as more was becoming known about future funding.
- (b) That a risk particularly concerned with FHSCS had been introduced, namely C4 Failure to build and sustain FHSCS with Kingston University.
- (iii) That the score for C3 - Failure to build and sustain collaborations that bring educational and enterprise benefits to the University had been raised to reflect the significant importance of collaborations. This moved the risk into the Medium High Risk Category.

Paper Council/5/S

Estates

111. Estates Committee

Received:

A report from the Chair of the Estates Committee.

Reported:

That the Chair thanked Graham Turner for his chairmanship of the Estates Committee. From 2012-13 the Finance and Estates Committees had been merged to form one committee.

Paper Council/5/T

Senate

112. Senate

Received:

A report from Senate.

Considered and approved:

A proposal that Council receive an annual report from Senate on quality issues. This would not preclude issues being raised by Senate during the year.

Paper Council/5/U

Matters for Approval

113. Nominations and Honorary Awards Committee

Considered and approved:

On the recommendation of the Nominations and Honorary Awards Committee, the appointment of the following Independent Members for a further term from 1 October 2012 until 30 September 2015:

Mr Anthony Bicknell
Mr Michael Draper
Mr Mike Stevens

Noted:

That an advertisement was being considered for the appointment of an Independent Member of Council to replace Professor Richard Smith, who stepped down from Council in May 2012.

HEFCE and other External Matters

114. HEFCE Letters and Consultations and other External Consultations for Information

Noted:

A report on HEFCE letters and consultations and other external consultations, with responses to date.

Paper Council/5/V

Matters for Report

115. Minutes of Meetings

Committee	Date of Meeting	Available from:
Audit Committee	12 June 2012	By email from s.trubshaw@sgul.ac.uk
Risk Management Committee	23 May 2012	By email from s.durkin@sgul.ac.uk
Finance Committee	7 June 2012	Paper Council/5/W
SPARC	28 March 2012 25 April 2012 20 June 2012	By email from s.trubshaw@sgul.ac.uk
Senate	11 June 2012	By email from d.baldwinson@sgul.ac.uk
Human Resources Committee	16 May 2012	By email from wgay@stgeorges.nhs.uk

116. Actions by the Chair

Academic Promotions

That the Chair, on behalf of Council, had approved the following promotions, from Lecturer to Senior Lecturer with effect from 1 March 2012:

Dr Christine Fessey, Division of Population Health Sciences and Education
Dr Katherine Joeke, Division of Population Health Sciences and Education
Dr Sally Prestwich, Division of Biomedical Sciences
Dr Carol Shiels, Division of Biomedical Sciences.

117. Dates of meetings 2011-2014

Tuesday 23 October 2012
Tuesday 20 November 2012
Tuesday 11 December 2012
Tuesday 12 March 2013
Friday 26 April 2013 – Away Day Venue to be confirmed
Tuesday 9 July 2013
Tuesday 22 October 2013
Tuesday 26 November 2013

Tuesday 17 December 2013
Tuesday 18 March 2014
Friday 11 April 2014 – Away Day Venue to be confirmed
Tuesday 8 July 2014
Tuesday 21 October 2014
Tuesday 25 November 2014
Tuesday 16 December 2014

ST/4 July 2012