

UNRESERVED MINUTES

THE UNIVERSITY OF LIVERPOOL

COUNCIL (1038)

MEETING OF THE COUNCIL

5th February 2019

Present: The President (in the Chair); The Vice-President; the Vice-Chancellor; the Pro-Vice-Chancellor for Education; the Pro-Vice-Chancellor for Research and Impact; the President of the Guild of Students; Mrs C Booth; Mr S Butler; Mr E Fishwick; Dr P Johnson; Mrs H Miller; Dr R Platt; Mrs A Pointing; Dr A Scott; Professor J Balogun; Professor B Gibson; Mr K O'Sullivan; Mr Norman Molyneux; Mrs P Young; the Interim Chief Operating Officer

Apologies: Professor S Dawson

In Attendance: Ms N Davies, Director of Finance

Clerk to Council: Dr A Fairclough

DISCLOSURES OF INTEREST

1.1 Disclosures of Interest

Members of Council were invited to disclose any potential conflicts of interest they had in relation to items on the agenda. Any such conflicts are noted under relevant minute headings.

MINUTES/COMMUNICATIONS

2.1 Minutes of the Meeting held 21 November 2018

AGREED:

- i. The minutes of the meeting held 21 November 2018 should be approved as an accurate record.

2.2 Matters Arising on the Minutes

- a. Constitution of the Council (item 1.1 ii refers)

REPORTED:

- i. Following the resolutions to change the constitution of Council, all relevant information had been provided to the Privy Council who were due to consider

the proposals at their meeting that month. For any planned further amendments to the governing documents, the governance team would have informal discussions with the Privy Council before making recommendations to Council.

b. Strategic Risk Register (item 3.4 refers)

REPORTED:

- i. Updates to the new Strategic Risk Register would now be discussed at the Council Away Day in April, consistent with the reporting cycle set out in the new risk framework.

c. Remuneration Committee Annual Report (item 6.2 refers)

REPORTED:

- i. A version of the first Remuneration Committee Annual Report had been published on the University's website, meeting the expectation of the Office for Students ahead of the formal requirement, which would apply from the following year.
- ii. Proposals to improve the consistency of bonus pay arrangements would be taken to the next meeting of Remuneration Committee on and then forwarded to Council.
- iii. The governance team had reviewed the current membership of Remuneration Committees for Russell Group institutions. Queen Mary University of London included the President of the Students Union for discussions of Vice-Chancellor pay only. No other Russell Group institution currently had a student representative, but the situation would be kept under review.

2.4 President's Communications

a. Action Taken on Behalf of Council Since the Last Business Meeting

ENDORSED:

- i. Minor revisions to the Terms of Reference of the Remuneration Committee for 2018/19, to align to the Committee of University Chairs' Code on Remuneration and to reflect changes in the constitution of Council.
- ii. The Annual Statement on Modern Slavery which sets out the actions taken to identify, prevent and mitigate modern slavery in the University's supply chains, and its publication on the University's website.
- iii. A new Programme Ordinance, Ordinance 65: Certificate in Industry and Enterprise Tailored Education (XJTLU).

- iv. An institutional response to a UUK request for input to its submission to the USS Trustee on matters relating to the 2017 actuarial valuation (dealt with via correspondence).

b. Charitable Trustee Responsibilities

NOTED:

- i. Members of Council should ensure they remain aware of their duties and responsibilities as charitable trustees, particularly with respect to financial decisions. The President and other members had extensive experience of trustee roles and all members were reminded that they could always seek advice and request clarification of responsibilities during discussions.

2.5 Vice-Chancellor's Communications

a. Sector Developments

REPORTED:

- i. Since the last meeting of Council, there had been a further change in Ministerial Positions, with Chris Skidmore MP being appointed as the Minister of State for Universities, Science, Research and Innovation. The Minister of State for Education, Damian Hinds MP was also highlighting issues of interest in the sector, including an expectation that high senior staff pay should be justified by high performance against objectives such as widening participation, retention and innovative research.
- ii. Discussions in the post-18 review were ongoing, with options under consideration including the introduction of a minimum quality standard (tariff of entry) for students to be able to access higher education. One possible future implication of review proposals could be the re-introduction of student number controls. The University was modelling a financial scenario of a £7.5k fee per student, potential increased teaching funding contributions from public sources, and additional pension contributions.
- iii. The Universities UK response to the USS Trustee had been circulated to Council members for information. The next step would be a USS 2018 actuarial valuation consultation.
- iv. The internal group considering Brexit issues continued to meet and was overseeing a communications plan for affected staff and students, as well as more general messages.

b. External Engagements

REPORTED:

- i. Since the last meeting of Council, the Vice-Chancellor had visited, met with, hosted or attended meetings regarding the following:

22-23 November:	UUK delegation to Madrid
28 November:	Women Count: Leaders in Higher Education, London
29-30 November:	UUK mid-term Vice-Chancellor's programme
5 December:	UUK conference on harassment, London Social mobility meeting with Damian Hinds, London
6 December:	Russell Group Dinner with- Professor Sir Mark Walport Chief Executive Designate of UK Research and Innovation
7 December:	Universities UK Members Meeting Baroness Harding NHS London
11 December:	British Council Board of Trustees London
12 December:	Dr Liz Bishop, new CEO Clatterbridge Cancer Centre
13 December:	Honorary Degree at QUB
11 January:	Louise Ellman MP
16 January:	British Academy dinner London
17 January:	Justine Greening MP London Royal Society Vice-Chancellor's dinner
18 January:	Committee of University Chairs /UUK meeting London UUK Executive Committee London
22 January:	Alder Hey - Official Opening by Secretary of State for Health and Social Care of the Institute in the Park
23-27 January:	Alumni & Benefactors Visit to Hong Kong

- v. The visit to Hong Kong had been extremely positive, with the support of the Director of Development and Alumni Relations. The outcome included a major contribution to the performing arts centre and for scholarships.

FOR ENDORSEMENT, APPROVAL OR NOTE

3.1 Living Wage

[Mr K Watkinson, Interim Deputy Director of HR, attended for this item]

RECEIVED:

- i. A recommendation for the University to adopt the Living Wage, to apply to the Living Wage Foundation for formal recognition and to take reasonable steps to ensure continued eligibility for Living Wage accreditation.

REPORTED:

- ii. The Living Wage is an independently calculated minimum hourly promoted by the Living Wage Foundation and backed by many political leaders, trade unions and other campaign groups as a means of improving living standards in this country. The Living Wage (currently £9.00/hour) is higher than the statutory minimum wage (currently £7.38/hour for under 25s and £7.83/hour for over 25s) and currently higher than the lowest two points on the University's pay scale.

- iii. There are currently 4,700 employers who have signed up to the Living Wage including 35 Universities. In the immediate region Liverpool FC, Everton FC, Liverpool John Moores University and the Liverpool City Region Combined Authority all pay the Living Wage.
- iv. Adopting the Living Wage was aligned to the University's Values and Ethics, and particularly its role in the city region. It would add to the other existing benefits that staff have as part of the University's employment package.
- v. It was important to consider how to align the Living Wage with the collective bargaining practices in the sector. Rates of pay at this level in the University were negotiated nationally between the employers' organisation (UCEA) and the recognised trade unions. It would be important to emphasise that the difference between the Living Wage and current salary for affected staff would be paid as discretionary amount and would not involve changes to existing terms and conditions.
- vi. A range of options had been considered for practical ways to implement the Living Wage, to ensure that affected staff would achieve the fairest outcome. The proposal was for the University to pay whichever was the higher - the nationally negotiated pay wage rate or the Living Wage.
- vii. Careful communications would be needed to staff, because of the consequences of the Living Wage implementation for different grades of staff. A review of the process had been built in for the end of year one, and the University would work closely with the Unions on communications.

NOTED:

- viii. Becoming accredited with the Living Wage Foundation would require the University to commit to having 'a plan to pay contractors the Living Wage'. Discussions with the Procurement department suggested that contracts for services (rather than products) already met Living Wage rates. It was anticipated that the remaining requirements could also be met.
- ix. A separate piece of work was being undertaken on the use of casual staff across the organisation.

AGREED:

- x. The recommendation for the University to adopt the Living Wage should be approved.
- xi. The Living Wage should be paid as a discretionary element and would result in the University paying whichever is the higher of the nationally negotiated pay wage rate or the Living Wage.
- xii. Terms and conditions of employment would not be affected.

- xiii. Recognition materials should be used in appropriate communications media.
- xiv. The University should take additional steps as are reasonable to continue eligibility for Living Wage accreditation (for example, to have in place a plan for contractors to also adopt the Living Wage).

3.2 Equality and Diversity Annual Report

[Mr K Watkinson, Interim Deputy Director of HR, attended for this item]

RECEIVED:

- i. The Diversity and Equality Annual Report 2017/18, which provided an update on activity that took place in academic year 2017/18 to implement the University's commitment and responsibilities to diversity and equality, as well as an overview of staff and student demographic data, policy matters, charter mark updates, staff training and future objectives.

REPORTED:

- ii. Issues of particular note and ongoing work included addressing the gender pay gap and the development of the Research Excellence Framework (REF2021) Code of Practice.
- iii. In some areas with low representation, analysis of data had shown that the University's population was representative of the local Merseyside region and similar to comparator institutions. However, although there had been some minor increases in population of certain groups of students and staff, it was still acknowledged that there were gaps in representation and outcomes for students and staff that needed to be further addressed through implementation of the Equality Action Plan.

AGREED:

- iv. The Diversity and Equality Annual Report 2017/18 should be approved.

3.3 Teaching Excellence and Student Outcomes Framework (TEF)

RECEIVED:

- i. The consultation questions for the independent review of the Teaching Excellence and Student Outcomes Framework.
- ii. A presentation by the PVC Education on the background and context for the consultation.

REPORTED:

- iii. The independent reviewer, Dame Shirley Pearce, had asked Vice-Chancellors to seek views of governing bodies, and the University was invited to submit a response to the consultation questions by 1st March 2019. Responses were also being sought from individual academics, students, applicants and employers, careers advisers and all with an interest in maintaining the high quality of UK Higher Education.
- iv. The idea and format for TEF had been developed through green and white papers then included in the 2017 Higher Education and Research Act. The first provider level exercise had taken place in 2017 and HEIs were given the opportunity to resubmit in 2018 and the current year.
- v. The University's first rating had been Bronze but an improvement to Silver had been achieved in the 2018 exercise (TEF3). The University's metrics for TEF4 showed further improvement but remained consistent with a silver award. In 13 Russell Group institutions there had been a decline in metrics in the TEF4 data set relative to their current award. Only one institution had an initial hypothesis of Gold.
- vi. The metrics and process had evolved over time and an initial pilot for a subject level exercise had been completed. A revised subject level process was being piloted in the current year.
- vii. The further development of the exercise at provider and subject level would be heavily influenced by the independent review outcomes.
- viii. A key objective of the TEF was to provide valuable information to potential students, to inform their choices. However, to date there was limited evidence to suggest that potential students were aware of, or influenced by, TEF outcomes. Other influencing factors included Open Days, the environment, and staff interest in students. Potential students were being asked during the current UCAS recruitment cycle whether they were aware of the TEF.
- ix. Potential students had expressed more of an interest in subject-level TEF ratings but there were concerns about the methodology at sector level.

- x. The University believed that the exercise had been successful in raising esteem for teaching and adding impetus to education strategy implementation.
- xi. The response would include comments on the use of metrics and benchmarks. There were particular issues with benchmarks relating to the lack of recognition of regional influences on performances, such as graduate employability. Some measures such as longitudinal educational outcomes (LEO) data were linked to students graduating many years previously and were therefore not useful in assessing the current quality of teaching. It was also considered important to emphasise absolute performance rather than just performance relative to expected benchmarks.

AGREED:

- x. The presentation was a useful summary of TEF developments and the key points raised should be endorsed for inclusion in the institutional response.
- xi. The University's draft response would be circulated by email for comment and approval, for submission by 1st March 2019.

3.4 Annual Report on Health and Safety

[Mr K Ryan, Director of Legal and Compliance, attended for this item]

RECEIVED:

- i. A report on Health and Safety (H&S) activities, to provide Council with the necessary assurance that appropriate systems are in place and that the University is managing health and safety in accordance with its Health and Safety Policy and relevant legislation.

REPORTED:

- ii. The governance arrangements for overseeing H&S matters had been refocussed, with a 2-tier Committee structure and clear responsibilities for senior managers, including their involvement with H&S tours. This had led to increased visibility and understanding of H&S issues and had set the tone for the institution.
- iii. Steady progress had been made towards achieving 'substantial' level compliance with HASMAP, the system approved by the Health and Safety Executive as a health and safety management system for use in universities.
- iv. The University had strong relationships with regulators including acting as a partner organisation for HSE training for inspectors. This, and positive audit results, demonstrated trust and confidence in the University's robust approach to H&S.

- v. The University had introduced two mandatory online H&S training modules for staff (one for all staff and one for grade 6 and above) and an H&S induction video for all students.
- vi. RIDDOR accidents were showing a continued downward trend and were dominated by trips and falls. Mental health was also recognised as a growing issue and this was being dealt with strategically by the institution, involving multiple departments and initiatives.

NOTED:

- vii. Additional detail about some of issues included in the report would be helpful for future reporting.
- viii. Progress was still required in order to achieve target levels of performance in Key Performance Indicators. The target for completion of training had been set at 90% rather than 100% to allow for the effect of staff turnover on the ability to achieve full coverage. Although 67% completion was below target, the training was still relatively new and it was expected that target levels would be achieved.

AGREED:

- ix. The report was very positive but could be further improved by the inclusion of further detail on any matters of potential concern, and the inclusion of data from previous years alongside current performance against Key Performance Indicators.
- x. Any enforcement action should be discussed at Council and members should receive an email alert immediately if the Vice-Chancellor is in discussion with the regulator.
- xi. The University's approach to H&S should be endorsed and the annual report should be approved.
- xii. The Annual Report on Safeguarding should be approved.

PLANNING AND RESOURCES COMMITTEE

4.1 Report of the Meeting of the Planning and Resources Committee held 15th January 2019

RECEIVED and NOTED:

- i. A report of the meeting of the Planning and Resources Committee held 15 January 2019, covering the following items:
 - 2018/19 Quarter 1 Performance Report
 - 2018/19 Finance Forecast 1
 - Diversity and Equality Annual Report 2017/18 (dealt with under item 3.2 above)
 - Pension Increases for ULPF – April 2019
 - Adoption of Living Wage (dealt with under item 3.1 above)
 - Financial Parameters for 2019/20 Planning Cycle – target contributions for planning units to achieve in the PPC. The process is now underway
 - Student Number Parameters – capped Home/EU student numbers to reduce risk of quality of student intake dropping.
 - 2017/18 TRAC Data – a new requirement for the TRAC return to be approved by an independent Committee of Council

a. 2018/19 Quarter 1 Performance Report

NOTED:

- i. The Quarter 1 report was brief due to the limited availability of data on key performance indicators.
- ii. The employment data linked to the report from the Institute for Fiscal Studies differed to the data set collected and reported on graduate employability and further study through the Higher Education Statistics Agency. This related to a different cohort, from over ten years ago, and the narrower focus on graduates registered on the UK Tax system.

AGREED:

- iii. The 2018/19 Quarter 1 Performance Report and associated actions should be approved.

b. 2018/19 Forecast 1 Finance report

NOTED:

- i. There were some variances to plan in 2018/19, including increased expenditure in the Faculty of Health and Life Sciences, increased student fee income and investment income and the impact of the disposal of the Royal lease.
- ii. The conclusion of the USS valuation would have an impact on the results, particularly in relation to the balance sheet provision for deficit contributions. The provision would then be released back into the accounts in 14 years.

AGREED:

- iii. The 2018/19 Forecast 1 report should be approved.

c. Pension Increases – April 2019

AGREED:

- i. A recommendation from the ULPF Trustee Directors to provide a discretionary one off payment to pensioners equal to 2.4% of their pension built up before 6 April 1997 in excess of the GMP should be approved.
- ii. A discretionary one off payment equal to 2.4% of the pension paid to Ex-gratia pensioners should be approved.

d. Planning and Performance Cycle Parameters 2018/19

NOTED:

- i. Planning and Resources Committee had approved planning parameters to be issued to planning units, including financial parameters and student number parameters for different cohorts.
- ii. Significant work would be required to produce a sustainable plan during this cycle, recognising the nature of the external environment and the ambitions of Strategy 2026.

e. 2017/18 Transparent Approach to Costing (TRAC) Return

NOTED:

- i. The University's TRAC and TRAC for Teaching returns for 2017/18 had been reviewed and approved by Planning and Resources Committee, meeting a requirement for these submissions to be approved by an independent Committee of the governing body.

SENATE

5.1 Report of the Meeting of the Senate held 30th January 2019

RECEIVED:

- i. A verbal report of the meeting held 30th January 2019.

REPORTED:

- ii. The main items for discussion were two green papers, that would be further developed into white papers for consideration at later meetings of Senate.

a. Equality and Diversity Green Paper

- i. A presentation and Green Paper on Equality and Diversity issues was received from Amy Causley, Head of HR Policy and Employee Engagement, and Professor Fiona Beveridge, EPVC FHSS.
- ii. A web-based consultation would take place with all staff and the trade unions on the Green Paper, which would focus on D&E issues specific to staff. There would be a separate consultation process for students.
- iii. An equality framework had been approved in 2017/18. The discussion concentrated on number of additional questions in the areas of disability, gender, race and anti-Semitism.
- iv. Senate discussion included the following themes:
 - o The need for a viable workload model for staff
 - o Training on support for disabled staff that went beyond the physical environment (e.g. advice on the content of presentations and websites);
 - o The value of creating a forum for sharing of mental health concerns
 - o How to combat the stigma of mental health that still existed
 - o The difficulties of combatting race discrimination that begins from primary education and carries through to University and adult life
 - o The importance of clarity in the purpose of setting targets
 - o The importance of raising awareness of anti-Semitism ('silence leading to denial'), and adding information to Curriculum 2021 on anti-Semitism;
 - o The difference in University policy with regard to Islamophobia and anti-Semitism.

b. REF2021 Code of Practice Development

- i. A presentation and a draft Code of Practice Green Paper was received from the Pro-Vice-Chancellor for Research and Impact. Following Senate, an

online consultation for staff would be held from 1-28 February 2019, and a White Paper brought to the next meeting.

- ii. The consultation would cover processes to (i) define the independent researcher (ii) select research outputs (iii) take account of individual circumstances (iv) ensure REF processes were as diverse and inclusive as possible.
- iii. A final Code of Practice would be submitted to REF2021 by June 2019.
- iv. There were comments from Senate regarding:
 - o Decoupling the REF process from broader discussions about performance
 - o Flexibility regarding which staff members should be returned in the REF should be maintained.
 - o The intention for key aspects of the process to undergo Equality Impact Assessment.

OTHER COMMITTEES OF COUNCIL

6.1 Health and Safety Governance Committee

RECEIVED and NOTED:

- i. The report of the meeting of Health and Safety Governance Committee held 22nd January 2019.

AGREED:

- ii. The Policy and Code of Practice on Chemical Safety Management should be approved.

6.2 Committee on Research Ethics (CORE): Annual Report

RECEIVED and NOTED:

- i. An Annual Report of the Committee's activity.

REPORTED:

- ii. The Committee on Research Ethics had considered a growing number of project applications. Of the 1062 applications considered for ethical approval in 2017/18, a significant number of 133 were deemed significant enough to undergo full review through to CORE. Studies with an intrinsically low risk were reviewed by research ethics committees located in Faculties and in the last academic year over 800 studies were reviewed by this mechanism.

- iii. In December 2017, the Senior Executive Group (SEG) had agreed a program of actions to optimise the process for research ethics review. Positive progress had been made against these actions but improvements were still required, particularly in the following areas:
- Improvements in ownership and engagement of the process were needed in some Faculties.
 - Response times were longer than ideal rates.
 - The spread of reviewers remained too limited, particularly in the Faculty of Health and Life Sciences.

AGREED:

- iv. It was important to continue the work to ensure that every individual understood their responsibilities for protecting the reputation of the University in this area. Recent experience in other institutions had illustrated the damage that could be caused by research ethics issues.

STRATEGIC COMMITTEES

7.1 Education Committee

RECEIVED:

- i. A report of the meeting of the Education Committee held 16th January 2019.

REPORTED:

- ii. The Committee had discussed the following items:
- Diversity and Equality Annual Report
 - The successful introduction, within six months, of a level seven degree apprenticeship – Advanced Clinical Practitioner, within the School of Health Sciences
 - National Student Survey (NSS) Action Plans for four targeted subjects – English, Mathematics, Medicine, and Sociology, Social Policy and Criminology
 - An NSS communications plan for 2019, now underway
 - Plans for National Survey of Students on Postgraduate Taught (PGT) Courses
 - Academic Advising Task and Finish Group, looking at a new approach to enhance academic advising and support for students.
 - Liverpool Online Competitive Dialogue
 - Faculty Portfolio Plans (FPPs)
 - 2018/19 Q1 Performance Report

7.2 Research and Impact Committee

RECEIVED:

- i. A report of the meeting of the Research and Impact Committee held 17th January 2019.

REPORTED:

- ii. The Committee had discussed the following items:
 - The proposed Knowledge Exchange Framework (KEF), coordinated by Research England. The University had volunteered to participate as a pilot institution but had not been selected.
 - Activities within the Enterprise Board, including three spin-outs recently formed or in formation.
 - Preparations for the REF2021, including Code of Practice development, and work of the Impact Taskforce to support and resource impact case study activity to maximise quality in time for submission.
 - A proposal (Prosper) in development for Research England Development (REF) Funding. The project focussed on supporting post-doctoral researchers in the first few years of their careers.
 - A potential proposal to the International Investment Initiative (i3), in collaboration with the University of Michigan.

OTHER REPORTS

8.1 Liverpool Online Competitive Dialogue

RECEIVED:

- i. An update report on the process underway to identify a new partner for delivery of Liverpool Online activity.

REPORTED:

- ii. The process was being supported by an Advisory Group with representation from Faculties, and overseen by the Pro-Vice-Chancellor for Education.
- iii. Three applicants to the competitive tender had been interviewed and the selection panel was following up with one organisation with further queries.

OTHER MATTERS

9. Liverpool International College

RECEIVED:

- i. A verbal summary of a recommendation from the Kaplan/University joint Strategic Board to request a change of name from the Liverpool International College to the University of Liverpool International College.

REPORTED:

- ii. The request was made ahead of the opening of the new international college building on the Paddington Village site.
- iii. The rationale for the request was to:
 - Foster a stronger sense of belonging for students and facilitate strong progression rates to University of Liverpool Programmes.
 - Encourage greater ownership in the partnership from staff
 - Provide stronger branding
 - Match practice elsewhere in the sector, for similar partnership relationships.
- iv. The proposal for the College to use the University of Liverpool name would require a request to be made to the Office for Students and to Companies House.
- v. It was recognised that the decision could bring a risk to the University of reputational damage should there be any negative events in the College. However, this would be mitigated by developing a variation to the existing cooperating agreement between the University and Kaplan, ensuring the University would be notified at an early stage of any identified risks to the safety or security of students, residents or staff, or of any investigations or complaints made by a third party. The purpose of this would be to ensure that the University was aware of and, where appropriate, respond to any matters that may carry an increased reputational risk due to the closer relationship between the college and University brands.

AGREED:

- vi. That the request for the Liverpool International College to make use of the University of Liverpool name should be approved. The revised name would be the University of Liverpool International College.
- vii. The University should confirm its approval to the Office for Students.

ROUTINE ITEMS

10.1 Use of the University Seal

RECEIVED and NOTED:

- i. A summary of uses of the University Seal since the last meeting.

10.2 HR Summary Report of Action Taken Under Delegated Powers

RECEIVED and NOTED:

- i. A summary of HR related actions taken under delegated powers since the last meeting.

10.3 Date of Next Meeting

NOTED:

- i. The next meeting would be an Away Day on 10 April 2019.