

CONFIDENTIAL

University of Bristol Minutes of Council

8 May 2009

Present: Mr Jim Foulds (Chair), Professor Malcolm Anderson, Mrs Alison Bernays, Professor Paula Booth, Mr John Bramhall, Mr Denis Burn, Professor David Clarke, Mr Chris Curling, Mr Colin Green, Dr Stuart Goldsmith, Councillor Royston Griffey, Ms Ruth Jackson, Dr Stephen Lyne, Mr Tony Macdonald, Mr Robert Massie, Mrs Dinah Moore, Mr Bob Morton, Mr George Morton, Dr David Newbold, Mr David Ord, Mrs Cindy Peck, Mr Tim Ross, Ms Anne Stephenson, Mr Tim Stevenson, Professor Eric Thomas, Mr James Wadsworth, Mrs Cathy Waithe, Professor Avril Waterman-Pearson, Mr Tobin Webb and Mr James Wetz.

In Attendance: Mr Derek Pretty, Ms Alison Allden, Ms Helen Galbraith, Ms Kelly Archer, Mr Guy Gregory, Professor Len Hall, Ms Sue Paterson, Mr Patrick Finch, Mr Andrew Nield and Professor Tim Bond.

Session 1

University Finances/Budget

Council received a presentation from the Finance Director, Mr Andy Nield. Mr Nield outlined the University's current financial situation and presented the proposed budget for 2009-10. He outlined in detail the measures that the University had undertaken in order to deal with the current financial pressures and the steps taken to manage and, where appropriate, reduce costs.

Council thanked Mr Nield for his frank and succinct presentation and acknowledged the importance of the advice provided by the Finance Committee and the senior team for preparation of such a robust budget. Council was confident that the University was doing everything within its power to steer the organisation prudently through a particularly challenging economic period.

Session 2

Formal Meeting of Council

1. Apologies for Absence / Announcements

1.1 The Chair welcomed colleagues to the meeting. No apologies had been received. The Chair welcomed Professor Tim Bond, a newly elected Professorial staff member of Council, to his first meeting of Council. Professor Bond would attend as an observer until his formal term of office began on 1 August 2009.

2. Minutes of the Last Meeting

2.1 CONFIRMED: The minutes of the meeting held on 20 March 2009.

3. Matters Arising and Actions Register

Actions Register

3.1 There were no outstanding actions.

Matters Arising

3.2 There were no matters arising that would not be covered elsewhere on the agenda.

4. Chairman's Report, Council Matters and Correspondence

Committee of University Chairs (CUC)

4.1 NOTED: That the CUC had recently issued a revised version of its "Guide for Members of UK Higher Education Governing Bodies". Copies were made available 'on the table' for members.

Elections

4.2 NOTED: (i) That Professor Tim Bond had recently been elected as a Professorial member of staff on Council. Professor Bond would fill the vacancy created when Professor Rosemary Deem had left the University in February 2009. In order to align the timing of this election with other staff elections to Council, Professor Bond's formal term of office would run from 1 August 2009 to 31 July 2012. He would, however, sit in on meetings as an observer until 1 August 2009.

(ii) That elections would also be held shortly for the following membership categories: (a) Members of Non-Academic Staff to Court (and subsequently to Council); and (b) A member of the Non-Professorial Academic Staff to Council.

Recruitment of Lay Members of Council

4.3 Alison Bernays, in her capacity as Pro Chancellor, had been working closely with Sir James Tidmarsh, Chair of the Nominations Committee of Court, on the process for recruitment of new lay members to Council. Mrs Bernays reported to Council that the Nominations Committee of Court had met in February 2009 to discuss this issue and had then met 'electronically' in April 2009 to review matters. The Committee had concluded that Council would benefit from appointing individuals with expertise in the following areas:

- (i) Experience of being a member of, or working closely with a Research Council or experience within Research and/or knowledge transfer in higher education.
- (ii) Knowledge and experience of management or leadership within an NHS Trust.
- (iii) Experience of the construction industry and/or in estate project or programme management.
- (iv) Experience of successful business systems implementation.

- (v) Experience and knowledge of the University of Bristol and/or effective governance in similar institutions.

4.4 An advertisement would be placed in the July 2009 edition of *Nonesuch*, the University's Alumni magazine. It was hoped that this would continue to attract a number of high calibre applications. The Committee had also investigated placing a number of more targeted advertisements in specialist journals and websites although subsequent research had indicated that this was unlikely to yield a good response and, in many cases, would be very expensive. Instead, the Committee felt that it would be more effective to follow-up on 'leads' from colleagues/contacts working in the specialist areas listed above. Mrs Bernays encouraged Council to forward details of any appropriate candidates to her or the Clerk to Council. Mrs Bernays also stressed that in the interests of equality and transparency all applicants would be asked to complete the standard application form and attend a session with an appointment panel.

Council Committee Membership

4.5 APPROVED: (On behalf of both the Nominations Committee of Council and Council): the following appointments to Council committees:

(i) Ms Anne Stephenson as a lay member of the Equality and Diversity Committee and as a lay member of the Personnel and Staff Development Committee with immediate effect until 21 December 2011.

(ii) Mr James Wetz as a co-opted member of the Student Affairs Committee with immediate effect to 31 December 2009.

(iii) Professor Chris Hawkesworth as a Research Director to the Information Services and Systems Committee for a period of three years to 31 July 2012.

University of Bristol Union Sabbatical (UBU) Officers

4.6 NOTED: That to reflect changes to the structure of the Union's sabbatical team, UBU's representation on Council would also need to change. It had been proposed that the three representatives on Council from 1 August 2009 would be: The President of the Union, the Vice-President (Welfare and Equality), and the Vice-President (Education). The latter would effectively replace the position currently allocated to the President of the Postgraduate Students' Union. Concern was raised about the implications of not having a postgraduate student representative on Council. However, the Chair of the Student Affairs Committee, Mrs Alison Bernays, explained that despite its best efforts, the Union had not been able to field a postgraduate representative for some two years. The President of the Union, Mr Tobin Webb, informed Council that feedback from postgraduate students was that they simply did not have sufficient time available to participate on Council or its committees and that they were content to be represented by the Union's sabbatical team.

4.7 It was NOTED that membership of Council, including Students' Union representation, was set out in the University Statutes and any formal changes to this would require Privy Council approval. Obtaining this approval would be

a complex and drawn-out process and, if consent was given, it would be equally difficult to revise the Statute should the Postgraduate Union wish to field a candidate in the future.

- 4.8 It was AGREED that further consideration should be given to how the Union might best represent its postgraduate body at Council level. This debate would include consultation with the Union Sabbatical Officers, the Postgraduate Union, the Student Affairs Committee and the Registrar and Director of Legal Services. In the meantime, however, to comply with Statute 15, the UBU President plus one person appointed by UBU (either one of the Vice-President (Welfare and Equality) or the Vice-President (Education)) would join as formal Council members (and assume the associated voting rights) and the third member would be invited to attend and participate in Council meetings but would not be granted voting rights.

5. Matters for Discussion

(i) Vice-Chancellor's Report

- 5.1 RECEIVED: The Vice-Chancellor's report, reference **CN/09/438** (previously circulated, copy in the minute book).

National Pay Negotiations

- 5.2 The University and Colleges Union (UCU) had informed institutions on 22 April 2009 that it considered itself in dispute with employers and was intending to ballot members about industrial action. UCU had cited the key driver for this action to be a failure from the University and Colleges Employers Association (UCEA) to make a credible pay offer. The UCU ballot would close on 22 May 2009 and the earliest date from which industrial action could start would be 30 May 2009. In the context of the University of Bristol, UCU represented a significant number of academic staff. Relations between the University and the local UCU branch had, however, remained positive.

HEFCE Assessment of Institutional Risk

- 5.3 RECEIVED and NOTED: A letter from HEFCE outlining the outcomes of its annual assessment of institutional risk. HEFCE had judged the University to be "not at higher risk", in line with the vast majority of other institutions. HEFCE was, however, encouraging all institutions to undertake scenario planning to look at the impact of a more difficult financial climate.

Senior Staff Changes

- 5.4 Alison Alden, the University's Deputy Registrar and Director of Information Services, had been appointed as Chief Executive of the Higher Education Statistics Agency. Ms Alden would take up post from 1 August 2009.
- 5.5 Jon Keating, Professor of Mathematical Physics, would replace Professor Guy Orpen as Dean of Science from 1 August 2009.
- 5.6 It was noted that in addition to Alison Alden, a number of other senior staff at the University would be leaving and/or retiring over the coming months. The Registrar reported that he was currently engaged in a consultation and

planning exercise, the end result of which would be the development of a revised structure for the senior team. The Registrar would communicate any structural changes to Council in due course.

Recent Grants/Awards

- 5.7 NOTED: Since the last formal Vice-Chancellor's report to Council in March 2009, the University and its staff and students had secured a number of high-profile grants and awards, including:
- (i) A company co-founded by Professor Anthony Hollander ('Azellon') had raised over £1.6m to fund trials, including the first human study, of its pioneering 'cell bandage' technology, which aimed to save thousands of patients from the type of knee surgery that currently lead to premature osteoarthritis.
 - (ii) Professor Andrew Orr-Ewing of the School of Chemistry had been named by the Royal Society of Chemistry (RSC) as a Tilden Prize and Lecture winner for 2010/11 for his work in chemical reaction dynamics. The Tilden Prize, founded in 1939, was one of the RSC's senior awards for 'mid-career' scientists.
 - (iii) Professor Richard Evershed in the School of Chemistry and Professor Jens Marklof in the Department of Mathematics had received prestigious Royal Society Wolfson Merit Awards, which recognised researchers of great potential or outstanding talent. This latest round continued the University's strong track record in these awards.
 - (iv) A study led by staff in the University's Faculty of Medicine & Dentistry and the the University Hospitals Bristol NHS Foundation Trust, had been awarded a £1m grant by the National Institute for Health Research Health Technology Assessment (NIHR HTA) programme. The study would investigate the question of whether blood transfusions carried out after cardiac surgery could be unnecessary and might cause health complications for patients.
 - (v) The University of Bristol competed against the University of the West of England on 26 April 2009 in the annual Bristol Varsity Boat Races, a highlight of a programme of varsity events for the University of Bristol's centenary year. The University won the event by three races to two.

Swine 'Flu Update

- 5.8 There had been no reported cases of Swine 'Flu at the University. However, given that the World Health Organisation had escalated the level of 'flu pandemic to 'phase 5', the University was taking appropriate precautions. The Head of Planning had undertaken a considerable amount of work into an appropriate pandemic response framework at the time of the first avian 'flu outbreak two years ago. This framework had been updated and refined and the University was confident that it now had a sound action programme in place to deal with pandemics. An Incident Group convened by the Registrar had been meeting regularly to review the action programme.

(ii) Appointment of Chair of Council

- 5.9 As agreed by Council at its meeting on 6 February 2009 (minute 10.2 refers), Alison Bernays, Pro-Chancellor, had convened a small working group to undertake the necessary consultation and oversee the process of identifying a successor to James Foulds as Chair of Council from 1 January 2010. One existing member of Council had expressed an interest in the position and Mrs Bernays and her working group had now had opportunity to consult with the following groups on the suitability of the candidate: Council members, the University's Executive team, the Pro-Chancellors and the Chancellor. Mrs Bernays was delighted to report that there had been unanimous support for the candidate. Formal appointment would take place at a later meeting of Council, in accordance with agreed policy.
- 5.10 NOTED: Council was supportive of the appointment of Mr Denis Burn, current lay member of Council, to the position of Chair of Council with effect from 1 January 2010. Mr Burn would become Chair Designate with immediate effect and Mr Foulds, current Chair, would deliver a detailed handover of responsibilities before he stood down at the end of December 2009.

6. Matters for Discussion and Approval

(i) Finance Report and Budgets 2009-10

- 6.1 RECEIVED: A report from the Finance Director outlining the University's current financial position and setting out a proposed budget for 2009-10, reference **CN/09/439** (previously circulated, copy in the minute book).
- 6.2 The proposed budget had been considered by Budget Committee on 21 April 2009, Finance Committee on 22 April 2009 and approved by UPARC on 28 April 2009.
- 6.3 NOT AVAILABLE
- 6.4 NOT AVAILABLE
- 6.5 NOT AVAILABLE
- 6.6 APPROVED: The draft Income and Expenditure budget for 2009-10 as outlined in document **CN/09/439**.

(ii) University of Bristol Students' Union

- 6.7 RECEIVED: A report from the Director of Legal Services and Deputy Secretary, and the Acting General Manager of UBU outlining progress made towards incorporation of the Union, reference **CN/09/440** (previously circulated, copy in the minute book). The paper also set out how the Union proposed to manage risks associated with the incorporation process, for example, the Transfer of Undertaking and Protection of Employment process, due diligence issues. The Union had sought specialist legal advice on these matters and had proposed to continue its work as planned with a proposal for formal Council approval being presented at the July 2009 meeting of Council.

- 6.8 A query was raised about whether or not it would be legally possible for the Union to become incorporated given that, according to its current balance sheet, it was technically insolvent. The Registrar reminded members that the Union's balance sheet deficit consisted substantially of a debt to the University. He suggested that, at the appropriate time, Council might wish to consider whether or not it was minded to forgive this debt but that in the meantime, there was no reason why the Union should not seek to achieve incorporated status.
- 6.9 Members NOTED that negotiations had commenced with the relevant Trade Unions about the proposal that existing staff who were transferred to the newly constituted Students' Union would no longer be eligible for membership of the University final-salary pension schemes, although an equivalent amount would continue to be paid into a new stakeholder scheme for their benefit. The Trade Unions had been particularly concerned about this prospect and negotiations would continue until an agreement could be reached. The Finance Director and the Registrar explained that there were a number of factors which made it difficult for the University to agree to the Students' Union in its proposed new structure becoming a participating employer with UBPAS and to continue to provide current pension arrangements in this way. The model that had been used for the set up of Langford Veterinary Services (LVS) as a separate company would not be appropriate for the Students' Union because LVS was a wholly owned subsidiary of the University and the Students' Union would be a separate entity which would not be under the direct control of the University.
- 6.10 NOTED: That following a recommendation from the Secretary's Office, a further safeguard would be added to those listed under paragraph 1.2 of the report, namely that there would be a legal requirement for the Union to obtain University approval for any changes it wished to make to the UBU Memorandum and Articles.
- 6.11 Council ENDORSED the approach for taking matters forward as outlined in document reference **CN/09/440**.

(iii) Scheme of Delegation and Key Decision-Making Authorities

- 6.12 RECEIVED and NOTED: A draft document by the Head of Planning & Deputy Secretary, Helen Galbraith, identifying responsibilities and delegated authorities for making key decisions in the name of, or on behalf of, the University of Bristol, reference **CN/09/441** (previously circulated, copy in the minute book).
- 6.13 The Scheme had been developed in accordance with the Chairs of University Committees' guidance and had been the product of extensive debate with and consultation of a University-wide working group. Council's feedback (whether on specific drafting points, or on matters of principle or policy) would be welcomed and members were asked to contact Helen Galbraith directly to discuss such points.

- 6.14 AGREED: That Council Committee Chairs would consult their committees by correspondence on this matter and report back to Helen Galbraith in advance of the July 2009 Council meeting. Committees would be asked to comment on how the information outlined in the proposed Schedule aligned with their perceived authorities and powers and whether or not these were appropriate.
- 6.15 AGREED: That following receipt of feedback from Committee Chairs, Helen Galbraith would, where appropriate, amend the Delegation Schedule before presenting it to Council for formal approval at the 3 July 2009 Council meeting.

7. Matters for Formal Decision, Approval or Comment
(i) Council Strategic Performance Indicators

- 7.1 RECEIVED: a report by the Head of Planning & Deputy Secretary, Helen Galbraith, reporting on progress of Strategic Performance Indicators (SPIs), reference **CN/09/449** (previously circulated, copy in the minute book).
- 7.2 The paper built upon the Key Performance Indicators (KPIs) reported to Council for the past two years. The format of the paper had been refined to accord with the format of the University Vision & Strategy, rather than using the previous balanced scorecard approach. The KPIs had been redesignated as SPIs to reflect their relationship to the Vision & Strategy.
- 7.3 A key change to the format of the paper had been the removal of the 'traffic-light' ratings for each indicator. This had been done in response to feedback last year which indicated that many members of Council felt that these were subjective and potentially misleading when viewed in isolation from other related measures. Instead, 'groups' of indicators had been matched to key areas of the Vision & Strategy, for example: Education/Students; Research; Staff; Estate Development; Financial Strategy; Information Technology & Libraries. Detailed definitions for each indicator were attached at Annex A of the report.
- 7.4 Members NOTED that feedback from Council and UPARC last year had indicated that the significant amount of work involved in undertaking wide consultation and preparing detailed commentary had not translated into equivalent value for Council and the senior team. As a result, the University had adopted a much lighter-touch approach this year. Feedback from Council on the appropriateness of this approach and/or identification of areas where further work would add value would be welcomed.
- 7.5 Council broadly agreed that the traffic light system was not an appropriate reporting mechanism for SPIs, although a number of members felt that it would be difficult to monitor general trends and progress without a system to highlight adverse movements. There was considerable discussion about the advantages and disadvantages of implementing a target-based approach to measuring SPIs, which resulted in broad agreement that setting targets for all SPIs would not be appropriate or helpful for the University. It was, however, suggested that inclusion of a summary analysis (provided by the senior team),

would be helpful. It was further agreed that the key aims of the SPI programme should be:

(i) to help Council to take comfort that things were progressing well and in accordance with the University's mission, vision and key objectives.

(ii) to ensure that Council was aware of problems/issues/progress not moving in the right direction.

- 7.6 AGREED: that the next step would be for Committee Chairs to ensure that SPIs were included on the agenda for discussion at their next committee meetings. Committees would be asked to look in detail at those SPIs which most closely related to their areas of work, to identify gaps, highlight any concerns that had not been captured, and consider the extent to which the information provided enabled the committee to adequately monitor progress and/or risk. Committee Chairs would be asked to feed comments back to Helen Galbraith in due course. This feedback would inform the University's approach to SPI monitoring/reporting in 2009-10.

(ii) Research and Enterprise Strategy

- 7.7 RECEIVED and APPROVED: The Research and Enterprise Strategy 2009-16. The Strategy reaffirmed the University's priorities for research and enterprise, as detailed in the University Vision & Strategy 2009-16, and set out its objectives for the next seven years, reference **CN/09/442** (previously circulated, copy in the minute book).

- 7.8 NOTED: That the University's Research Committee had been extremely well informed about the University's financial environment and would continue to work to ensure that research objectives were aligned with and had taken into account, financial conditions.

(iii) Amendment to Ordinance 4: Election to Court of Members of the Non-Academic Staff

- 7.9 RECEIVED: A report by the Clerk, outlining proposed amendments to Ordinance 4 to reflect the new staffing groups introduced with the Reward Programme, reference **CN/09/443** (previously circulated, copy in the minute book).

- 7.10 APPROVED BY SPECIAL RESOLUTION: The following amendments to Ordinance 4 (deletions in strikethrough and additions in underline):

Ordinance 4

The fifteen members of the non-academic staff on Court will be elected separately in the following categories: technical services, operational services, and administrative and professional services ~~academic related staff, technical and related staff, secretarial and related staff, and supervisory and manual staff~~, in proportion to their full-time equivalent numbers.

(iv) Staff Grievances, Appeals against Dismissal and Employment Tribunal Proceedings

- 7.11 NOT AVAILABLE

7.12 NOT AVAILABLE

(v) Student Appeals, Grievances and Disciplinary Matters*

7.13 NOT AVAILABLE

7.14 NOTED: That a small number of Council members had been directly lobbied by students/staff pursuing appeals and/or grievances. Members were asked to forward this correspondence to the Clerk who would pass it on to the relevant parties. Council members were encouraged not to correspond with individuals directly.

(vi) Potential Redundancy Cases: Fixed-Term Contract Policy (Ordinance 26)

7.15 RECEIVED: A report from Personnel and Staff Development Director, Mr Guy Gregory outlining potential redundancy cases in relation to the application of the Fixed-term Contract Policy, reference **CN/09/446** (previously circulated, copy in the minute book).

7.16 Council had been regularly updated in relation to the application of the Fixed-term Contract Policy (Ordinance 26). The application of the policy had led to approximately half of those staff that had traditionally been placed on fixed-term contracts now being placed on open-ended contracts. As the underlying volatility of the funding streams had not changed, it continued to be necessary to manage the financial risks that arose when funding streams ceased and alternative work was not available.

7.17 The University's projected redundancy activity to June 2010 was set out within Document CN/09/446. The figures outlined established a clear need for the redundancy process to be instituted for the period to 30 June 2010.

7.18 APPROVED: The institution of redundancy procedures in respect of cases arising from the application of the Fixed-term Contract Policy (Ordinance 26). The Vice-Chancellor would appoint a panel to oversee the procedures and to make decisions.

8. Committee Reports

8.1 RECEIVED: An oral report from the Chair of the Estates Committee, Mr Tim Stevenson, on the key items discussed at the Estates Committee meeting on 1 May 2009. The main points included:

(i) Planning consent had now been received for the Maths Bioscience Building.

(ii) The Nano-Science Building had now been occupied.

(iii) A number of notices had now been served on the University by the Fire Authority. The Estates Division had been working closely with the Fire Authority on development of a suitable fire safety programme and to put in place local fire safety plans in all University buildings. The Estates Committee wished to highlight to Council that it was anticipated that expenditure of ca. £6m would be needed within the next 12 months to ensure that the University's fire safety equipment

was compliant. Given the urgency of the need for this work, it would need to be dealt with under the Capital Maintenance Programme.

- 8.2 Council confirmed that it fully supported the University's plans to ensure that fire safety standards were compliant in as short a time as possible. Furthermore, Council was supportive of the University putting in place the funds needed by the Estates Division to undertake the necessary works.
- 8.3 NOTED: That Councillor Griffey had declared, for the record, that he was a member of the Fire Authority.
- 8.4 RECEIVED and NOTED: The report of the Audit Committee outlining the key business discussed at its meeting on 1 April 2009, reference **CN/09/447** (previously circulated, copy in the minute book).

9. Reports for Information

(i) Chair Appointments

- 9.1 RECEIVED and NOTED: A report outlining Chair appointment activity that had taken place within the University since the previous report to Council in May 2009, reference **CN/09/448** (previously circulated, copy in the minute book).

(ii) Residential Strategy: Next Steps

- 9.2 RECEIVED and NOTED: A report by Mr Neil Sapsworth, Student Residences Programme Manager, updating Council on the activity of the Residential Strategy Programme Board and its working groups, reference **CN/09/450** (previously circulated, copy in the minute book).
- 9.3 NOTED: That the imminent departure of key senior staff with direct involvement in the Programme was expected to result in some level of disruption. This might affect the overall programme timetable and, therefore, the timing of the production of the position papers listed in paragraph 9 of the report.
- 9.4 NOTED: The senior staffing changes referred to in the report included individuals who had been/were currently fulfilling roles as Hall Wardens. The Registrar was conscious of the pressing need to ensure that these responsibilities were covered and that the quality of the students' experience did not in any way suffer as a result of the staffing changes. He would, however, need to consider these staffing changes in the context of the wider staffing reviews across the University. While the Registrar would endeavour to inform Council and seek its opinion about such changes, he stressed that it may be necessary for him to make operational decisions between Council meetings, in order to maintain service levels and to achieve budgetary targets.
- 9.5 A member informed Council that he had been lobbied on several occasions by interested parties and he requested that Council be kept as informed as possible so that he could communicate an accurate and up to date description of the University's plans and viewpoints.

10. Date of next meeting
Friday, 3 July 2009

* Reserved Business