

Approved



## **UNIVERSITY COURT**

### **MINUTES**

of the meeting of the University Court held on 23 June 2021 at 2.00pm *via* Microsoft Teams.

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

Ms N Ahmed	Ms G Ghafoor	Mr J Macgregor
Professor L Bacon	Ms L Hamilton	Mr A Marks
Mr A Bailey	Professor T Inns	Mr I McDonald
Mr E Baines	Mr F Keir	Ms F Robertson
Ms D Bandeva	Ms V Lynch	Dr A Samuel
Mr J Barnett	Mr G MacDougall	Professor N Seaton
Mrs A Duffy	Ms C MacEachen	Dr K Smith
Ms H Dunk		Ms C Summers

Secretary: Mrs S Stewart  
Clerk to Court: Dr A Ramsay  
In attendance: Ms G Bell  
Ms E Fraser  
Ms J McKenzie  
Ms N McClelland  
Ms R Thiel, Abertay SA President-elect  
Mr G Weir

### **NON-RESERVED AREAS OF BUSINESS**

#### **90 WELCOME AND APOLOGIES FOR ABSENCE**

The Chair welcomed members to the meeting and, most especially, welcomed Ms H Dunk and Ms L Hamilton to their first meeting of Court. Those in attendance were noted as Ms E Fraser, Ms G Bell, Ms J McKenzie, Ms N McClelland and Mr G Weir. Dr S Cameron and Dr R Wade were welcomed as observers from Senate.

Apologies were received from Mr A Marks.

#### **91 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. No declaration was made.

#### **92 MINUTES OF THE CHAIR'S COMMITTEE MEETING HELD ON 14 JUNE 2021 (for information)**

Court noted the above minute, submitted as Enclosure 69, for information. The Chair advised Court that a revised Severance Statement would be considered by the Remuneration Committee and that a proposal would be

brought to a future meeting of Court.

92 MINUTES OF THE MEETING OF COURT HELD ON 14 APRIL 2021:  
UNRESERVED

CT/0621/70

Court received and considered the above minutes, submitted as Enclosure 70 and approved them as an accurate record, subject to a correction to the list of apologies submitted.

93 MATTERS ARISING FROM THESE MINUTES

Oral report

93.1 Pension Provision for Future Staff

(paragraph 71 refers)

The University Secretary advised members that management was in the pre-procurement stage of the tender process for the purchase of a new pension scheme for support staff.

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

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

CT/0621/71

The Principal 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. Professor Seaton noted that, since the last meeting of Court in April, the University had moved to operate under its *Managed Access* mode, which corresponded to the Scottish Government's Covid Protection Level 2. Management expected further restrictions, consistent with Scottish Government guidance, when Dundee moved to Covid Protection Level 1 and to move to *Open Access* mode, if and when Dundee moved to Level 0. Nine student Covid cases and two staff cases had been reported since the previous meeting of Court, with none connected to the Abertay campus.

Professor Seaton advised Court that the University hoped to be able to teach without social distancing in session 2021/2022 but were planning for a number of different scenarios, ranging from completely online to blended learning with 1m distancing when on-campus, with students having one day per week on campus. As new variants emerged and changed, the University would have to be able to act swiftly in response to the changing threat and would not be operating a primarily campus-based model at any point during the coming session. Restrictions such as mask-wearing, ventilation and good hand sanitation would remain in force.

In discussion, members noted concerns regarding the potential influx of non-vaccinated students, especially those from overseas, as were advised that a pop-up vaccination centre was being considered which would cover both Abertay and the University of Dundee. In the absence of Scottish Government guidance, the University would not be able to mandate students to be vaccinated but would heavily encourage them to do so. The need for students to feel safe when on campus was noted, with an emphasis on good communication.

Thereafter, Court noted the report.

The Vice-Principal (Strategy & Planning) introduced the above operational and financial plans for 2021/2022 to 2023/2024, which had been considered by the Finance & Corporate Performance Committee (FCPC) at its meeting on 25 May 2021 and had been recommended to Court for approval, subject to amendments identified by that Committee during discussion. Ms Summers advised Court that the SFC final funding announcement for 2021/2022 on 27 May 2021 which had been circulated to members had been unchanged from the earlier indicative announcement with the exception of an increase in £333k to the funding for nursing.

Overall funding from SFC would increase by 8% in 2021/2022 although the underlying increase in funding per student was 1.5%, meaning that concerns remained regarding the sustainability of future funding. Future funding could be reduced by the removal of places associated with EU students and some of the additional funded places for Scottish students were funded through 'covid consequentials', which was unlikely to continue indefinitely. The management of admissions was expected to be more complex as institutions competed for the same pool of Scottish students, creating increased competition and volatility in student numbers.

Members were advised that no further information had been released on phase 3 of the SFC Review of Coherent Provision and Sustainability, although a report was due for imminent release. Engagement with the review across the sector had been limited, although Professor Seaton had participated in several discussions with SFC. The outcome of the review would not impact on funding for 2021/2022 but could require changes to the way in which the institution reported to SFC through the Outcome Agreement Process.

Ms Summers noted that the internal environment continued to evolve, with major projects in train, including the Digital Strategy, the cyberQuarter and the Kydd Building cladding. Management had reviewed its assumptions whilst maintaining institutional priorities with some scope to make modest investments.

The Director of Finance, Infrastructure and Corporate Services advised members that the calculation of earnings before interest, taxation depreciation and amortisation (EBITDA) was one of the institutions key financial performance measures. Court had previously agreed a target range of EBITDA of between 6% and 8% but that this had been set at 1% for the current financial year to reflect the emergent COVID situation and its potential adverse impact on student recruitment. However, student recruitment had exceeded the budgeted position, bringing additional fee income to the University. Combined with the successful implementation of the required efficiencies and one-off funding from SFC, the projected EBITDA had risen to 10.3%.

Mr Weir drew members' attention to the Capital Investment Plan, which had received significant discussion at the Finance & Corporate Performance Committee, who had requested changes be made. That Committee had approved the full business case for the cyberQuarter and additional funding to support the development of the Digital Strategy. Court noted the need to generate additional cash from operations, on the basis that the planned

capital expenditure was essential for the long-term sustainability of the institution. Management was in the process of developing an Estates Strategy, which would be brought to a meeting of Court after the long vacation.

In the course of a lengthy and involved discussion, members sought clarification as to how management intended to increase EBITDA and were advised that this would be achieved through developing new income streams of through reviewing expenditure to improve efficiencies and become more environmentally-friendly. If EBITDA targets continued to increase, management might require to revisit priorities and the timing of planned activities but the intention was to generate sufficient cash to deliver the aspirations of the Capital Investment Plan.

The Abertay Students' Association (SA) President noted that the document did not make reference to the University working in partnership with the SA and was advised that annex C should be considered as a high-level summary and that management intended to work closely with the SA. Ms Bandeva noted that students would welcome a commitment to establishing social spaces and was advised that this would be part of the Estates strategy.

One member expressed concern regarding the allocation of research time for staff and the impact that this would have on the ability of Heads of Division to allocate teaching time for these staff members. The Deputy Principal indicated that she would discuss the matter further.

The Vice-Chair of Court requested clarification of the apparent increase in expenditure related to the cladding project and was advised that this was related to the timing of the work being undertaken. Dr Ingram welcomed the development of Estates strategy as mitigating against unexpected expense which could threaten the capital investment plan and was advised that management would bring any significant changes back to FCPC and Court for consideration and approval. Members sought assurances that management had confidence in the ability of its contractors to manage the supply chain to avoid increased costs and were advised that the contractual arrangements placed the burden of responsibility on the contractors.

Members noted the inclusion of an indicative sum for the development of a sports facility and were advised that this figure was indicative, based on the last feasibility study undertaken. Mr Weir advised Court that another indicative costing would be undertaken early in the next financial year.

Thereafter, Court:

- Noted the assumptions upon which the plans were based;
- Agreed that the EBITDA target should be in the range 10%-12%;
- Approved the financial plan as delineated in section 6 and Annexe D;
- Approved the capital plan assumptions in section 6.3, noting the requirement for business case development and approval of any major projects.

## 96 THE UNIVERSITY'S PERFORMANCE FRAMEWORK

CT/0621/73

The Principal introduced the above paper, intended to apprise Court of arrangements for monitoring the University's performance across a range of areas. Professor Seaton advised members that this had arisen from a discussion at Chair's Committee and was intended to provide a foundation for

more in-depth discussion by the People, Health & Equality Committee and subsequently by Court, if appropriate and invited comments from members.

Members expressed concerns that the University's performance framework did not appear to include personal objectives or the management of individuals' performance where they failed to achieve set targets. Professor Seaton advised that the University had deliberately chosen to move away from its previous framework, which had included the scoring of progress against SMART targets and that this change had been endorsed by Court.

In discussion, Court members intimated a desire to see a more highly-developed system which reflected institutional culture and values and also managed risk. Staff members on Court noted their positive and constructive experiences of their Development Discussions and advised that these discussions included consideration of achievements as well as intentions and expectations for the year ahead.

Thereafter, Court agreed that the Director of People Services & OD would convene a meeting of those Court members who had indicated their interest in discussing performance management.

97 AUDIT & RISK COMMITTEE: MINUTES OF THE MEETING HELD ON 8 JUNE 2021

The minutes of the above meeting, submitted as Enclosure 74, were received.

The following matter was approved:

97.1 Risk Management Update

(paragraph 61 refers)

Court endorsed the recommendation of the Committee to approve the proposed changes to the Risk Management Policy and Framework.

The following matters were noted:

97.2 Internal Audit 2020/2021: Report on review of Estates Management

(paragraph 64.1 refers)

Court noted the Committee's consideration of a report on the review of Estates Management, which had resulted in a judgement of limited assurance. Two recommendations of high significance had been made, with a further five of medium significance and two at the lowest level. Members expressed concerns regarding the report and were advised that a new Head of Estates had been appointed who would give his earliest attention to the development of an Estates strategy, as had already been noted. The Chair of the Audit & Risk Committee advised Court that Mr Weir and Mr Warnock had the full confidence of the Committee.

97.3 Internal Audit 2020/2021: Report on review of Budgetary Controls

(paragraph 64.2 refers)

Court noted the Committee's consideration of a report on the review of budgetary controls, which had resulted in an opinion of moderate assurance.

97.4 Internal Audit 2020/2021: Cyber Security Update

(paragraph 64.3 refers)  
Court noted the Committee's consideration of a high-level summary update on progress made on the actions arising from the report on the review of cyber security.

97.5 External Audit: Planning report for the year ending 31 July 2021  
(paragraph 65 refers)  
Court noted that the Committee had considered the proposed approach and scope for the forthcoming 2020/2021 audit.

97.6 Professional Services Contracts  
(paragraph 72 refers)  
Court noted that the Committee's decision to extend the contract for the University's internal auditors BD for a further and final 12 months. Court further noted the Committee's approval of proposals for the external audit exercise.

Thereafter, Court approved the minutes.

98 FINANCE & CORPORATE PERFORMANCE COMMITTEE: MINUTES OF THE MEETING HELD ON 25 MAY 2021

The minutes of the above meeting, submitted as Enclosure 76, were approved.

The following matter was approved:

98.1 Transition to IT Cloud Infrastructure  
(paragraph 57 refers)  
Court endorsed the recommendation of the Committee to approve the proposed move of the University's IT infrastructure to the cloud. In discussion, members commended this proposal and requested that management give consideration to appointing a critical friend to the programme board. The need for staff training and development was noted.

The following matters were noted:

98.2 Presentation from UBS Fund Managers  
(paragraph 54 refers)  
Court noted that the Committee had received a presentation from the University's Fund Managers on the current allocation and performance. The Chair of the Finance & Corporate Performance Committee (FCPC) noted that he had yet to receive the list of companies where the University had investments and the SA President requested that action should be taken if the University was found to be investing in companies associated with migrant detention centres.

98.3 Operational & Financial Planning 2021/2022 and 2023/2024  
(paragraph 56 refers)  
Court noted the Committee's consideration of the above report, which had already been discussed and approved as a separate agenda item.

98.4 Capital Projects report (paragraph 56 refers)  
Court noted the Committee's consideration of the above report, which outlined the status and progress of approved capital projects.

98.5 Scheme of Delegation: review of delegated authority with regard to financial transactions (paragraph 58 refers)  
Court noted that the Committee had discussed proposed changes to section E of the Scheme of Delegation in relation to delegated authority for financial transactions. Court was reminded that, whilst FCPC had oversight of financial recommendations to Court, the approval route for the Scheme of Delegation was through the Governance & Nominations Committee (GNC). The Chair of GNC advised members that she would make a different report to Court in relation to the Scheme of Delegation.

98.6 Update on Vice-Chair of the Committee (paragraph 59 refers)  
Court noted that the Committee had approved the appointment of Ms F Robertson as Vice-Chair of the Committee.

Thereafter, Court approved the minutes.

99 GOVERNANCE & NOMINATIONS COMMITTEE: MINUTES OF THE MEETING HELD ON 20 MAY 2021

The minutes of the above meeting, submitted as Enclosure 78, were received. The following matters were noted:

99.1 Scheme of Delegation Review (paragraph 38 refers)  
Court noted that the Committee had discussed the proposed changes to the financial annex of the Scheme of Delegation. Court was further advised that, whilst the Committee had acknowledged that the document would be presented to FCPC for consideration, it would require to be returned to GNC before being passed to Court for final approval.

99.2 Review of the Effectiveness of Court (paragraph 39 refers)  
Court noted that the Committee had discussed and agreed the format for the review of the effectiveness of Court, which would take place during 2021/2022.

99.3 Court membership update (paragraph 40 refers)  
Court noted that the Committee had been apprised of the current membership of Court, including the new members who had recently been appointed. Members noted that a paper regarding the re-election of the Chair of Court would be discussed under reserved business.

Thereafter, the above minutes were approved.

100 PEOPLE, HEALTH & EQUALITY COMMITTEE: MINUTES OF THE MEETINGS HELD ON 3 JUNE 2021

The minutes of the above meeting, submitted as Enclosure 80, were received.

The following matters were noted:

100.1 Estates Fire Risk Management Plan: update (paragraph 63 refers)  
Court noted that the Committee had received an update on the Estates Fire Risk Management Plan and had taken assurance from progress already made.

100.2 Flexible Working Policy: development update (paragraph 65 refers)  
Court noted that the Committee had discussed a paper for developing a policy for flexible working at the University and had supported a hybrid working model.

100.3 Bullying and Harassment Guidelines (paragraph 66 refers)  
Court the Committee's consideration of proposed changes to the University's bullying and harassment guidelines.

100.4 Future Pension Provision: update (paragraph 68 refers)  
Court noted that the Committee had received an update on the future of pension provision for support staff at the University.

Thereafter, Court approved the minutes.

101 REMUNERATION COMMITTEE: REPORT OF THE MEETING HELD ON 10 MAY 2021

CT/0621/81

The minutes of the above meeting, submitted as Enclosure 81 were received.

The following matters were noted:

101.1 Severance Arrangements: annual report (paragraph 14 refers)  
Court noted that the Committee had received and considered the annual report on severance arrangements.

101.2 Severance Arrangements: individual cases (paragraph 15 refers)  
Court noted that the Committee had discussed individual severance arrangements from the current session.

101.3 Senior Staff salaries (paragraph 16 refers)  
Court noted that the Committee had approved some changes to the principles on the determination of the salaries of senior staff other than the Executive.

Thereafter, Court approved the minutes.



102 DRAFT ANNUAL REPORT TO SFC ON QUALITY

CT/0621/82

The University Secretary introduced the above document, apprising Court that the Annual Report was a statutory return, required to be submitted to the Scottish Funding Council by 30<sup>th</sup> September each year following endorsement by the governing body in line with SFC Guidance on Quality. Mrs Stewart apprised members of minor amendments which had been identified.

Thereafter, Court approved the report for submission to the Scottish Funding Council, subject to the necessary additional information being included

103 DRAFT INDICATIVE COURT BUSINESS FOR SESSION 2021/2022

CT/0621/83

The University Secretary introduced the above draft indicative schedule of the planned work of Court for the current session. Mrs Stewart invited members to make suggestions for items of business, either to her or to the Head of Governance. Members were advised that it was hoped that the Court Conference and meeting in September might be held in person, depending upon changing Scottish Government guidance.

Thereafter, Court noted the indicative schedule of business.

104 ABERTAY STUDENTS' ASSOCIATION ANNUAL REPORT TO COURT

CT/0621/84

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 a staffing review had been undertaken and that the SA now had two Engagement Coordinators and a Digital Coordinator, with the administration of finances and accounts outsourced.

Court was advised that the SA had explored different ways of working in order to remain connected as a team and had been trialling a four-day working week. Members noted that the SA remained committed to expanding social spaces for students and their societies and was advised that the Association did not consider that the University and its services had worked with them in partnership. Ms Bandeva advised that the Association believed that management had demonstrated a lack of trust in officers.

In discussion, members expressed concern that the Abertay SA felt that there had been a breakdown of relations and noted that perceptions about the SA's willingness to enter into dialogue with management differed. Mrs Stewart advised Court that meetings had been scheduled to explore these issues in more detail to ensure the SA had the support it required in future.

Thereafter, Court noted the report and the importance of routine and ongoing dialogue.

105 ACADEMIC MATTERS INCLUDING REPORT OF JUNE SENATE MEETING

CT/0621/85

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 June 2021. Professor Bacon commended her academic colleagues on the breadth of their achievements.

Thereafter, Court noted the report.

106 PREVENT DUTY ANNUAL REPORT

CT/0621/86

The Head of Governance introduced the above report, intended to provide Court with assurance that the University had discharged its responsibilities in relation to Section 26(1) of the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent students being drawn into terrorism. Dr Ramsay advised members that a Prevent Duty Group met regularly and had oversight of the Prevent Duty implementation plan. She advised Court that there were no particular issues of note, but that the University remained vigilant whilst maintaining its commitment to freedom of speech and academic freedom.

Thereafter, Court noted the report.

107 DEPARTURE OF MEMBERS

The Chair noted that this would be the final meeting of Court to be attended by Ms Bandeva, Mr Baines and Dr Samuel. On behalf of Court, Mr Shaw thanked these individuals for their commitment and contribution to the University.

108 ANY OTHER BUSINESS

No other business was declared.

Thereafter, the Chair thanked members for their contributions.

109 DATE OF NEXT MEETING

Court noted that the date of the next meeting was confirmed as Wednesday 15<sup>th</sup> September 2021.

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**CHAIR**