



University Court

Minutes

29 November 2023 held from 14:00 in the Boardroom, Kydd Building

*attended via MS Teams

Members

Chair

Mr David Brew

Vice Chair

Ms Heather Dunk

Professor Liz Bacon

Ms Pam Herries

Mr John Barnett

Mr Fraser Keir*

Ms Liz Blackburn

Ms Veronica Lynch

Dr Scott Cameron

Mr Jim MacGregor

Ms Robyn Donoghue

Mr Ian McDonald

Professor Ruth Falconer

Ms Liv Morgan

Ms Kerith George-Briant

Ms Livi Robertson

Professor Alastair Irons

Professor Edith Sim

Ms Lynne Hamilton

Mr Steven Traynor

Apologies

Mr Andrew Bailey

Mr Antony Marks

Ms Alison Duffy

Dr Hadi Mehrpouya

In Attendance

Dr Hannah Coutts (Item 30)

Mr James Nicholson (Items 20 - 29)

Ms Eilidh Fraser

Mr Gordon Weir

Ms Jackie McKenzie*

Secretariat

Ms Caroline Summers

Dr Dianne Peden

(Secretary to Court)

Ms Vanessa Kind

Open Business

Preliminary Matters

20. Welcome and Apologies for Absence Oral Report

The Chair welcomed Court to the second meeting of the academic year. The Chair, on behalf of Court, extended a special welcome to Ms K. George-Briant, who was attending her first meeting since being elected to Court by the support staff of the University.

Apologies were received as noted above.

21. Declaration of Potential Conflicts of Interest Oral Report

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 items for discussion under Open Business. None were declared.

22. Feedback on pre-Court Session Oral Report

Court welcomed the session on Quality Assurance and Academic Governance (led by the Director of Student and Academic Services, Mr James Nicholson, the Quality Assurance Manager, Ms Kimberley Grahame, and the Head of Teaching Quality and Learning Enhancement (AbLE Academy), Ms Julie Blackwell-Young) prior to the formal meeting and the opportunity for Court to learn more about this area of activity. Court was advised that the presentations would be uploaded to Admincontrol after today's meeting.

Court and Governance Matters

23. Minutes of the meeting held on 20 September 2023 (Open) CT/1123/12

The Chair drew Court's attention to the fact that the approved minutes would be published on the University website. Court received and considered the minutes, submitted as enclosure 12, and approved them as an accurate record.

24. Matters Arising from these Minutes Oral Report

The Chair noted that there was one action marked as ongoing from the previous meeting.

0923/03: Risk Management - Vice-Principal (Strategy & Governance) and University Secretary with the Director of Finance, Infrastructure and Corporate Services to consider timing of further input from Court.

The Vice-Principal (Strategy & Governance) and University Secretary, Ms C. Summers, provided an update, noting the proposal that this would form part of the programme for the Court Conference in February 2024.

Court was advised that further discussions had taken place with the Students' Association with regards to the issue of student accommodation raised at the previous meeting and that additional information was provided in their report under agenda item 23.

25. Minutes of the meeting of the meeting of Chair's Committee held on 13 November 2023 (Open; unapproved – for information) CT/1123/13

Court noted the minutes of the Open Business of the meeting of the Chair's Committee held on 13 November 2023, submitted as enclosure 13.

26. Court Conference February 2024 – Draft Programme CT/1123/14

Ms C. Summers introduced the proposal for the annual Court Conference, submitted as enclosure 14. Court was advised that the format and timings of the Conference had varied in recent years, with the last event having taken place in November 2022. Court noted that, following discussions with the Executive Group and Chair's Committee, the proposal was that the Conference would be a one-day strategy day, on campus, on Wednesday 21 February 2024, with a Court dinner, including an external speaker, the previous evening. Court discussed the proposal, including the proposed outline programme and were content that the formal meeting of Court move to 17:00 on Tuesday 20 February to allow the following day to be a focussed strategy day.

Court was content to proceed on the basis outlined in the proposal.

Matters for Discussion

27. National Student Survey Report CT/1123/15

The Director of Student and Academic Services, Mr J. Nicholson, provided a brief overview of the National Student Survey (NSS) Report, submitted as enclosure 15. He highlighted that the survey was carried out by Ipsos MORI, on behalf of the four UK Higher Education funding bodies, with the scores being a significant factor in high profile national benchmarking and rankings including league tables. Court remarked on the outstanding achievement of the University in the 2023 NSS results, having been ranked top modern university in Scotland for student satisfaction and breaking into the top three universities in Scotland. Court was advised that there were several success stories at individual programme ranking level, and also for Abertay Students' Association, where the response to "How well does the students' union (association or guild) represent students' academic interests?" had risen by 21 percentage points, resulting in it being ranked fifth in Scotland. It was highlighted that attendance at the Freshers Fair had doubled, with other evidence of increased student engagement and a better sense of student community.

Court was advised that action plans were in place at subject level to address the recommendations as outlined in the report. It was highlighted that some areas of action may impact the results of the 2024 survey albeit it was more likely that these

would be from 2025 onwards. Court discussed why the University opted out of the optional questions, noting that a reason for this was the potential impact on response rates if the survey was too long.

Court recorded its thanks to academic and professional services staff for their hard work to ensure an excellent student experience. It was highlighted that a celebration event, open to all staff, had taken place on Thursday 9 November 2023.

Court formally noted the National Student Survey Report for 2023.

28. Strategic Plan Refresh

CT/1123/16

Ms C. Summers introduced the Strategic Plan Refresh update, submitted as enclosure 16, noting that it was a high-level paper to share early thinking around the refresh of the plan. Court was advised of the intention to consider a draft plan in the autumn with final approval sought from Court at its meeting in November 2024. It was highlighted that staff and students would be involved in the process and that the refreshed plan would inform the operational planning for academic year 2025-26.

Ms C. Summers noted that the approach to the next strategic plan would be discussed at the Court Conference (item 26) and that a full briefing pack would be provided to Court members prior to the Conference.

Court formally noted the process for the refresh of the strategic plan.

Matters for Approval

29. Complaints Annual Report 2022-23 (incl. Protected Characteristics Report)

CT/1123/17

Mr J. Nicholson provided a brief overview of the Complaints Annual Report 2022-23, submitted as enclosure 17, highlighting that the University had improved identification and reporting of complaints, with the majority being made by students. Court was advised that all new staff receive information on how complaints should be dealt with, and together with the rollout of training there had been a reduction in escalation of complaints to further stages. Apart from the greater propensity of females to complain, the protected characteristics report reflected the student population and there was no identified connection other than gender between a protected characteristic and complaints being made.

Court welcomed the “You Said, We Did” section and the importance of this being available to staff and students to show feedback had been actioned.

Court discussed whether there were any trends that would require further investigation, in particular the gender balance of complainants versus the student population.

Court approved the Complaints Annual Report and the Annual Complaints Protected Characteristics Report for academic year 2022-23.

Mr J. Nicholson left the meeting.

30. Integrated Annual Report and Accounts 2022-23**CT/1123/18**

The Director of Finance, Infrastructure and Corporate Services, Mr G. Weir, provided a brief overview of the Integrated Annual Report and Accounts 2022-23, submitted as enclosure 18, highlighting that the paper included for information a copy of the Abertay University Letter of Representation to the External Auditor. He noted his thanks to all those who had contributed to its production.

Court was advised that it had been considered by the Audit and Risk Committee (ARC) at their meeting held on 7 November 2023. It was noted that it had been circulated thereafter for comment to members of the Finance and Corporate Performance Committee (FCPC) as due to the timing of meetings it had not been considered at a formal FCPC meeting, though the Chair of FCPC had been in attendance at the ARC discussion. Court was advised that a joint meeting of the committees in future years was under consideration.

Court's attention was drawn to the Finance Review, which provided an overview of the financial performance of the University for the year. Court noted the reliance on Tuition Fees and Education Contracts (28%) and Funding Body Grants (56%) for income and the high expenditure due to staff costs (65%), noting that these were both high when compared to the sector average. Court was advised that an explanatory note had been added following discussions at ARC in relation to staff costs. Court noted that more detailed information on financial performance was available in the Statement of Comprehensive Income and Expenditure.

Court was advised that the financial statements had been subject to a late change restricting the reported Local Government Pension Scheme assets to be in line with emerging practice throughout the sector. Court discussed the presentational implications of this change, which had been advised by the University's external auditors.

Court noted the EBITDA (Earnings Before Interest, Taxes, Depreciation, and Amortization) of 9.33%, down from 12.86% for 2022-23 although in line with the target EBITDA agreed by Court of 8-10%.

Court asked that the report be updated using gender-neutral language. Court discussed the Key Performance Indicators (KPIs) (in particular the presentation of comparative information in indicators 9, 10 and 14) and the Chair noted that he had provided some feedback prior to the Court meeting. Court was advised that the report contained an extract from the full KPI register and additional information could easily be provided to ensure clarity on progress achieved against benchmarks.

Action: Director of Finance, Infrastructure and Corporate Services and the Vice-Principal (Strategy and Governance) and University Secretary to make the required amendments to the Integrated Report 2022-23 prior to its submission to the Scottish Funding Council.

Court approved the Integrated Report 2022-23 incorporating the Annual Financial Statements, subject to minor typographical errors being rectified as noted above.

Dr H Coutts joined the meeting.

31. Scottish Funding Council Outcome Agreement 2023-24 CT/1123/19

The Head of Planning and Insight, Dr H. Coutts, provided a brief overview of the Scottish Funding Council (SFC) Outcome Agreement 2023-24, submitted as enclosure 19, and highlighted that all universities and colleges were required to have such an agreement with SFC. Court was advised that the current requirement was for a one-year update. Court was apprised that a draft had been submitted in October (with feedback from the Senior Management Team, FCPC, the Students' Association and the Trade Unions) to meet the SFC deadline, with the caveat that a final version would be submitted after review and approval by Court. Outcome agreements from all Scottish institutions would be published in December.

Court discussed the decline in National Measure B "the reduction in the Proportion of Scottish-domiciled HN entrants from Scottish colleges to undergraduate programmes with Advanced Standing", noting that this was a sector-wide issue. Court was also advised that the Annual Retention Report would be considered by Court in February 2024.

Court noted that the Abertay College Transition programme was a free online course to help applicants identify the differences between College and University and agreed that this should be incorporated into the final version.

Action: Head of Planning and Insight to add Abertay College Transition programme to the SFC Outcome Agreement 2023-24 prior to submission.

Court approved the SFC Outcome Agreement 2023-24, subject to the minor amendments noted above.

Dr H Coutts left the meeting.

32. Scottish Code of Good Higher Education Governance 2023 CT/1123/20

Ms C. Summers provided a brief overview of the Scottish Code of Good Higher Education Governance 2023, submitted as enclosure 20 and highlighted that compliance was a condition of grant. Ms C. Summers drew Court's attention to the five areas where further action was required to ensure continued compliance and highlighted some areas where opportunities for further enhancement had been considered. Court was advised that the Governance and Nominations Committee (GNC) would monitor progress and report to Court at its meeting in June 2024.

Court formally noted the update on compliance with the Scottish Code of Good Higher Education Governance 2023 and confirmed that it was content with the assessment and the plan to address the remaining issues.

33. Appointment of New Independent Lay Member of Court (Confidential) CT/1123/21

Ms C. Summers provided an update and recommendations from the Governance and Nominations Committee (GNC) appointment panel and highlighted that due to the timing of the interviews it had not been possible to circulate this in advance.

Court formally noted the update on the appointment process as outlined in enclosure 21.

Court discussed the importance of ensuring diversity in its membership and noted the current overall balance between genders amongst all members of Court was 58% female and 42% male (with 47% female and 53% male for non-executive/independent members). Court noted that the Gender Representation on Public Boards (Scotland) Act 2018 sets a Gender Representation Objective (GRO) for the boards of listed Scottish public authorities that 50% of the board's non-executive members are women and requires appointing persons and public authorities to take steps towards achieving the GRO, and that the GNC had taken this into account in its process. Court was advised that the recent vacancy had been advertised on various sites including Women on Boards and Changing the Chemistry.

Court approved the appointment of Mr Iain Davidson as an independent member of Court for a term of three years from 1 January 2024.

Court approved the appointment of Ms Mairi Julier as an external member of the ARC for a term of two years from 1 January 2024.

Committee Matters

34. Audit and Risk Committee

34.1 Minutes of the meeting held on 7 November 2023 (Open; unapproved) CT/1123/22

The Chair of ARC, Mr J. Barnett, introduced the draft minutes of the meeting of the Committee held on 7 November 2023, submitted as enclosure 22, noting that they were largely for information.

Court was advised that the Committee had recommended the draft Integrated Annual Report and Accounts 2022/23 to Court for approval, which had been considered under agenda item 11.

In addition, Court's attention was drawn to item 15 of the minutes, the Strategic Internal Audit Plan 2023-24 to 2024-25, which had been approved by the Committee.

Court was advised that the Committee had approved the ARC Annual report to Court, which would be covered under item 34.2.

Court formally noted the minutes of the meeting of the Audit and Risk Committee from 7 November 2023.

32.2 Audit and Risk Committee Annual Report to Court for Financial Year 2022-23 CT/1123/23

Court was advised that the Committee had discussed and approved its Annual Report to Court for the Financial Year 2022-23, submitted as enclosure 23. Court noted that some additional text has been added after feedback at the meeting. It was highlighted that the report would be submitted to the SFC as part of the submission of the Integrated Annual Report and Accounts 2022-23.

Court formally noted the Audit and Risk Committee Annual Report to Court for Financial Year 2022-23.

35. Finance and Corporate Performance Committee

35.1 Minutes of the meeting held on 26 September 2023 (Open; unapproved) CT/1123/24

In the absence of the Chair, Mr A. Marks, the Vice-Chair of FCPC, Ms L. Hamilton, introduced the draft minutes of the meeting of the Committee held on 26 September 2023, submitted as enclosure 24, noting that they were largely for information.

Court was advised that the Committee had recommended the SFC Outcome Agreement to Court for approval, which had been considered under agenda item 12.

In addition, Court's attention was drawn to item 18 of the minutes, the Information Governance Annual Report, which had been discussed by the Committee and was provided to Court for information as Annex A.

Court formally noted the Information Governance Annual Report.

Court formally noted the minutes of the meeting of the Finance and Corporate Performance Committee from 26 September 2023.

36. Governance and Nominations Committee

36.1 Minutes of the meeting held on 31 October 2023 (Open; unapproved) CT/1123/25

The Chair as the Chair of the Committee introduced the draft minutes of the meeting of the Committee held on 31 October 2023, submitted as enclosure 24, noting that they were largely for information although they were a number of items recommended to Court for approval.

Court approved the revised Committee Terms of Reference, submitted as Annex A.

Court approved the appointment of Ms H. Dunk as the Vice-Chair of GNC.

Court approved the extension of Mr A. Bailey's appointment to 31 December 2026.

Court approved the extension of Mr J. Barnett's appointment to 31 December 2024.

Court approved the extension of Ms V. Lynch's appointment to 31 December 2026.

Court approved the appointment of Mr Chris Wilson as an external member of the ARC for a term of two years from 1 January 2024 (in addition to the appointment of Ms Mairi Julier agreed under Item 33 above).

Court approved the appointment of Ms K. George-Briant to the People, Health and Equality Committee.

Court approved the appointment of Mr F. Keir as the Chair of the Remuneration Committee from 1 March 2024.

Court was advised that the Committee had discussed the Scottish Code of Good Higher Education Governance 2023, which had been considered under agenda item 13.

Court was advised that the Committee had discussed and recommended to Court for approval the Annual Review of the Effectiveness of Court 2022-23, which would be covered under item 36.2.

Court formally noted the minutes of the meeting of the Governance and Nominations Committee from 31 October 2023.

36.2 Annual Review of the Effectiveness of Court 2022 - 23 CT/1123/26

Court was advised that the Committee had discussed and recommended to Court for approval the Annual Review of the Effectiveness of Court 2022-23, submitted as enclosure 26. It was highlighted that the Committee had been content to recommend the report to Court on the basis that its future format will be part of the review noted in paragraph 48 – “Reviewing the approach to Annual Court Effectiveness Evaluation including how feedback from members of Court is sought and to consider the introduction of annual process for the review of the effectiveness of Committees of Court”.

Court approved the Annual Review of the Effectiveness of Court 2022-23, noting it would be published on the University’s website.

37. People, Health and Equality Committee

37.1 Minutes of the meeting held on 17 October 2023 (Open; unapproved)

CT/1123/27

The Chair of the People, Health and Equality Committee, Ms H. Dunk, introduced the draft minutes of the meeting of the Committee held on 17 October 2023, submitted as enclosure 27, noting that they were largely for information although there were three items recommended to Court for approval.

Court approved the revised Flexible Working Policy Statement.

Court approved the revised Capability Procedure.

Court approved the revised Pay Protection Policy.

Court noted that the completed Equality Impact Assessments for the policies considered above were available for review in Admincontrol in the folder for today’s meeting.

Court was advised that the Committee had discussed and recommended to Court for approval the Health and Safety Annual Report 2022-23, which would be covered under item 37.2.

Court was advised that the Committee had discussed and recommended to Court for approval the Complaints Annual Report and Complaints Annual Report on Protected Characteristics), which had been considered under agenda item 10.

In addition, Court’s attention was drawn to item 7 of the minutes, the Prevent Duty Annual Report, which had been discussed by the Committee and was provided to Court for information as Annex A. Court formally noted the Prevent Duty Annual Report.

Court formally noted the minutes of the meeting of the People, Health and Equality Committee from 17 October 2023.

37.2 Health and Safety Annual Report

CT/1123/28

Court was advised that the Committee had discussed and recommended to Court for approval the Health and Safety Annual Report 2022-23, submitted as enclosure 28. It was highlighted that the report had been produced by the previous Health and Safety Manager, Ms Dawn MacLean, prior to her departure from the University in July 2023. Court noted an error in the key on Figure 3D of the report, which would be amended prior to publication on the University's intranet.

Court approved the Health and Safety Annual Report for 2022-23, subject to the amendment noted above.

38. Remuneration Committee

38.1 Report from the meeting held on 24 October 2023

CT/1123/29

In the absence of the Chair, Mr A. Marks, the Vice-Chair of Court, Ms H. Dunk introduced the report from the meeting of the Remuneration Committee held on 24 October 2023, submitted as enclosure 29. Court's attention was drawn to the following items for noting:

- item 5: review of pay policy;
- item 6: annual report on salaries in the discretionary range;
- item 7: review of senior salaries; and
- item 8: review of Principal's salary.

Court was advised that further information on the Committee's decisions regarding the remuneration of individuals would be provided under agenda item 30 in the reserved part of the meeting.

Court formally noted the report from the Remuneration Committee meeting held on 24 October 2023.

Senate Matters

39. Minutes from the meeting of Senate held on 1 November 2023

CT/1123/30

The Chair of Senate, Professor L. Bacon, introduced the draft minutes of its meeting held on 1 November 2023, submitted as enclosure 30, noting that they were largely for information.

Court was advised that the Senate had discussed the NSS report, which had been considered under agenda item 8.

Court noted that Senate had ratified the approval of a number of items which had been approved via Chair's action over the summer as they had been deemed to be too urgent to be delayed to the formal meeting.

Court formally noted the minutes of the meeting of Senate from 1 November 2023.

40. Academic Matters Report**CT/1123/31**

The Deputy Principal and Deputy Vice-Chancellor, Professor A. Irons, introduced the report and provided a brief snapshot overview of the wide range of activities across the University.

Court formally noted the Academic Matters Report.

Matters for Information

41. Executive Group Report to Court**CT/1123/32**

Court queried whether it had been confirmed whether there would be any clawback from the SFC in relation to unfilled places. It was noted that this was not as yet known.

Court thanked the Executive Group and thereafter formally noted the report.

42. Students' Association Report to Court**CT/1123/33**

The Students' Association President, Ms L. Robertson, introduced the Students' Association Report to Court, submitted as enclosure 33, noting that it provided a brief overview of their recent and upcoming activities and highlighted several matters of interest. Court was advised of the successful Halloween events and the current 16 Days of Activism activities. Court noted that a number of podcasts were under development and that further information would be provided at its next meeting. The Students' Association Vice-President, Ms L. Morgan, highlighted the follow-up meeting undertaken after the September meeting of Court in relation to issues raised with regards to student accommodation.

Court noted with satisfaction the impact of the work of the Students' Association on the NSS results.

Court thanked the Students' Association and thereafter formally noted the report.

Concluding Matters

43. Any Other Competent Business**Oral Report**

The Chair noted that this was the last meeting of Court for Mr I. McDonald, whose term of office would come to an end on 31 December 2023. He highlighted the significant contribution which Mr McDonald had made to the University both as a Court member since 2015 and prior to that as an external member of ARC. On behalf of Court, he thanked Mr I. McDonald for his work to support Abertay. Court members expressed their gratitude and wished him well for the future.

Ms E. Fraser, Ms J. McKenzie, and Mr G. Weir left the meeting.

Next meeting: Tuesday 20 February 2024

Chair: Mr David Brew