

The University of Manchester

BOARD OF GOVERNORS

Wednesday, 20 November 2019

Present: Mr Edward Astle (in the Chair, except for item 8 iv)), President and Vice-Chancellor, Dr John Stageman (Deputy Chair and Chair for item 8 iv) until item 12 iii)), Mrs Ann Barnes, Mr Gary Buxton, Mr Michael Crick, Prof Danielle George, Mr Colin Gillespie, Dr Reinmar Hager, Mr Nick Hillman, Dr Steve Jones, Mr Kwame Kwarteng (General Secretary of UMSU), Mrs Bridget Lea, Mr Robin Phillips (until item 7), Mr Andrew Spinoza (until item 11), Prof Nalin Thakkar, Dr Delia Vazquez, Mrs Alice Webb and Ms Ros Webster (19)

In attendance: The Registrar, Secretary and Chief Operating Officer (RSCOO), the Vice-President and Dean for the Faculty of Science and Engineering, the Vice-President (Learning, Teaching and Students) (item 7 only), the Interim Director of Finance, the Director of Human Resources (item 12 only), the Director of Planning (item 5 only), the Director of Compliance and Risk (items 11 and 12) and the Deputy Secretary.

Apologies: Ms Sara Khan, Dr Neil McArthur, Mr Richard Solomons

1. Declarations of Interest

Reported: there were no new Declarations of Interest.

2. Minutes

Resolved: the minutes of the meeting held on 2 October 2019 were approved.

3. Matters arising from the minutes

Noted: an updated report on ongoing issues that had been raised at previous meetings either addressed within the agenda or to come forward at a later date.

4. President and Vice-Chancellor's report

Received: the report from the President and Vice-Chancellor.

Reported:

(1) Confirmation that registration data for 2019 (which was subject to final confirmation at the HESES census date of 1 December 2019) and admissions data for 2020 was healthy.

(2) The Deputy-President and Deputy Vice-Chancellor, Professor Luke Georghiou was making good progress after his recent serious illness and was now out of intensive care. The Chair had sent goodwill messages on behalf of the Board.

(3) There had been a peaceful student occupation of the Ground Floor of John Owens Building by the People and Planet student society, protesting against the University's investment in some companies involved in fossil fuel extraction. An offer of a meeting with senior management had been extended to the student society.

(4) Strike action by the University and College Union (UCU) had been scheduled for 25-29 November and 2-4 December following recent ballots relating to pay and working conditions and the Universities Superannuation Scheme (USS), and this would be combined with continuous action short of a strike from

25 November 2019. In relation to USS, whilst there was some sympathy for staff concerns, the UCU position of no detriment and that existing benefit levels should be maintained with no increase in employee contribution was increasingly difficult to sustain (previous UCU leadership has been prepared to consider a slight increase in employee contributions to maintain current level of benefit). The next valuation was in 2020 and indications were that this would exacerbate rather than improve the current position.

(5) In relation to pay, once average increments were added to the proposed national pay award, average overall pay increase was above inflation. Conflation of the pay and pensions issues made the dispute more intractable.

(6) There was recognition that in relation to both the Gender Pay Gap and the Ethnicity Pay Gap, both the University and the sector had room for improvement. This had been discussed both at Remuneration Committee and the Human Resources Sub-Committee of Planning and Resources Committee and there was recognition of the need for tangible improvement in relation to equality, diversity and inclusion performance (the revised Strategic Plan would provide a helpful framework for this). Board members experience and contribution in other organisations had been and would continue to be helpful in driving further improvement.

(7) In relation to fixed term contracts, the University's average of 36% of academic staff on fixed term contracts was comparable to other Russell Group universities; these staff were either completing PhDs or employed through external research funding.

(8) Six bids had been shortlisted for the ID Manchester Project and would be taken forward to the dialogue stage; there was a range of bidders, including local, national and international consortia.

(9) Work on the next stage of commercialisation of Graphene and 2D materials was progressing and the Board would be updated further on this in due course. The Chair requested that a report on this be submitted to Finance Committee.

Action: Deputy

Secretary

(10) Two recent significant awards relating to cancer research (£8.5 million and £16 million respectively). A further prestigious award would be announced on 22 November (Secretary's note: this was the Queen's Anniversary Prize awarded to the Manchester Institute of Biotechnology).

Noted:

(1) The Office for Students had recently issued guidance to students affected by industrial action, highlighting potential recourse to the Office of the Independent Adjudicator should students be unhappy with the institutional response. The University was assessing the potential for claims for compensation as part of its risk assessment and mitigation activity.

(2) In relation to the UCU industrial action, the view expressed by one member that executive and Board recognition of the need for improvement in performance relating to equality, diversity and inclusion would be helpful in communications about the impending industrial action.

(3) The importance of clear and consistent communications about the industrial action; this was particularly the case for students in relation to assessed work and mitigation of assessment of any material not taught.

(4) Members asked for assurance on the University's position on fire safety, following the fire at a private accommodation block which had been used by students from the University of Bolton. There had been thorough checks of University owned accommodation and private accommodation providers with whom the University had agreements in the wake of the Grenfell fire in the summer of 2017 and it was important to maintain the currency of this to ensure that this encompassed all new developers and providers.

(5) it was more difficult for the University to have the same level of assurance in relation to providers with whom there was not a direct contractual relationship but it was important that the University demonstrated curiosity and inquiry in relation to such providers, to ensure that it was doing all that it could to preserve the safety of its students.

(6) The Secretary of State for Education had written to all Vice-Chancellors asking that they - and their commercial partners - review fire safety procedures and safeguards across residential, teaching and research accommodation, and report back to him as swiftly as possible. The response to the letter would

be circulated to the Board and appended to the minutes of this meeting. **Action: RSCOO/Deputy Secretary** (see Appendix A which also includes a briefing note from the Director of Estates and Facilities).

5. Strategic Plan

Received: The latest version of the new University Strategic Plan, as endorsed by Senate at its meeting on 23 October 2019.

Reported:

(1) The Plan contained the purpose, vision, three core goals and four university themes approved by the Board at its meeting on 22 May 2019 and represented the result of an 18 month consultation process (on both content and design) involving more than 4,000 staff, students, alumni and external stakeholders, and informed by benchmarking.

(2) The Plan incorporated comments made by the Board at its previous meeting on 2 October 2019.

Resolved: that the Plan be approved for formal launch in February 2020 subject to slight formatting changes and the following amendments:

(1) Insertion of “commercialisation” in the Innovation sub-heading “Enterprise through knowledge” to read “Enterprise through knowledge *and commercialisation*” (p10)

(2) Amending the wording of the measure of success on financial sustainability to “we will be generating *at least a 5%* annual financial surplus to reinvest in our core activities (p12).

6. Update from the Faculty of Science and Engineering

Received: an update from the Faculty of Science and Engineering, indicating areas of focus in 2019-20 and opportunities provided by the restructure.

Reported:

(1) The new two School Faculty structure had been implemented from 1 August 2019, resulting in two Schools (Engineering and Natural Sciences) with similar profiles in terms of budgets and student and staff numbers.

(2) The aims of the new structure were to:

- bring disciplines together and break down silo mentality:
- simplify and standardise teaching, structures and processes:
- facilitate greater inter-disciplinary and multi-disciplinary collaboration:
- develop a more consistent and coherent culture

(3) The Faculty made a significant contribution to the University (£110 million in 2018-19) reflecting strong home and international student recruitment at all levels and healthy research income (£104 million from research grants and contracts).

(4) Significant further change to the Faculty was planned with the move from North to South Campus associated with the opening of the Royce Building in 2020 and the Manchester Engineering Campus Development (MECD) in 2021. Coupled with other sector wide and broader environmental changes, the overall landscape was becoming more difficult and complex and it was more important than ever to communicate effectively with staff. This included programmes and activities to support staff through periods of change and addressing cultural issues, and through documentation (e.g. “Our Culture”) that defined expectations of behaviour across all staff in the Faculty.

(5) The move to MECD was both a great challenge and a great opportunity. Workspace had been designed on the basis of shared offices, following engagement with staff and a pilot project. MECD had been specifically designed with shared office space in mind and therefore did not suffer from some of the disbenefits of similar designs elsewhere, where it had been necessary to retrofit modular office space. Whilst it was recognised that there was some opposition to the decision, the design was seen as integral

to achieving the simplification, collaboration and cultural change referred to above. Occupancy data showed that single occupancy modular offices were an inefficient and sub-optimal use of space.

Noted:

(1) Achievement of any additional contribution from the Faculty was likely to necessitate either an increase in student numbers or an adjustment in staffing levels; in some areas, there was potential for a significant increase in student numbers to impact upon research performance.

(2) The approach to shared office space did not include hot-desking; the design permitted sufficient and appropriate dedicated space for all occupants (including postgraduate research students) and the layout would facilitate interaction and staff accessibility. The Vice-President and Dean and his senior team would be working in a shared office environment.

(3) The Teaching Academy referred to in the report would be closely aligned to the recently established Institute for Teaching and Learning, led by Professor Judy Williams.

(4) Work to ensure alignment between the “Our Culture” document referred to above and the University Values as articulated in the Strategic Plan would need to take place. The document would be added to the Diligent Reading Room.

Action: Deputy Secretary

(5) Whilst some progress had been made in the area of on-line and distance learning, there was a recognition that there was scope for further development; the new Vice-President for Learning, Teaching and Students was keen to review the University’s approach to ensure benefits for all students were maximised.

(6) The comment that, whilst performance was formally assessed at the accountability session in February 2020, it would be helpful to specify and track outcomes, not just inputs, as part of the ambitious Faculty transformation journey.

Action: Vice-President and Dean

7. Assurance of Student Academic Experience, Outcomes and Standards of Awards

Received: a report setting out the methods and processes through which the Board is assured about the student experience, outcomes and standards of awards.

Reported: that although the Office for Students (OfS) had confirmed that that the report was no longer required as part of the Annual Accountability Return, it was an important element of assurance and source of confirmation that the University continues to comply with ongoing conditions of registration.

Noted:

(1) The summary setting out evidence of assurance in relation to specific obligations was very helpful; for future reports, there would be merit in reviewing the documentation and materials attached to the report to ensure that (across both learning and teaching and research) this provided the level of specificity required across each of the Board’s obligations as set out in the report.

Action: Deputy Secretary and Vice-President (Learning, Teaching and Students)

(2) Engagement and partnership with students in methodologies to assure the student experience was essential and integral.

(3) In response to a question about any specific questions, the issue of grade inflation, which had received considerable national media attention, was raised.

(4) A UUK report published in the past year, had considered the reasons behind the increase in the number of graduates receiving first and upper-second class (2:1) degrees.

(4) From 2019-20, providers will be expected to publish relevant information in a publicly accessible Degree Outcomes Statement on their website, enabling trend analysis and commentary.

(5) Until recently, in comparison to its Russell Group peers, the University had awarded a relatively low proportion of firsts and 2:1s. Following a review of the approach to assessment to ensure consistency with peers (and noting some variation across the institution) its profile was now in line with the Russell Group average and broadly consistent with expectations given entry level tariff.

8. Chair's Report

i) Report from Committee Chair's meeting-9 October 2019

Received: the notes of the meeting of Committee Chairs held on 9 October 2019.

Noted:

- (1) Recent changes in committee membership (since the meeting of Committee Chairs).
- (2) The importance of regular member attendance at Committee meetings.

ii) Report from CUC plenary meeting

Received: a brief verbal report from the Chair on the recent CUC plenary meeting.

Noted: the plenary had included a presentation from the incoming Chair of De Montfort University on the recent governance failings at that institution and the consequent OfS investigation.

iii) Board Evaluation Action Plan

Noted: the action plan arising from the Board Evaluation reported to the July 2019 Board.

iv) Resignation of Board member (Category 3-Senate): Prof Aneez Esmail

Received: a report advising that the Board that Prof Aneez Esmail had resigned from his position as a Category 3 (Senate) member. The letter from Prof Esmail to the Chair and the Chair's response were appended to the report.

The Chair left the meeting for the duration of this item, and the Deputy Chair chaired the meeting in the Chair's absence. The President and Vice-Chancellor also offered to leave the meeting (along with other senior officers) but the Board agreed that this was not necessary.

Noted:

- (1) Members who spoke expressed regret at the resignation of Prof Esmail and there was recognition that he had been an effective member of the Board, providing challenge and making valuable contributions. One relatively new lay member of the Board commented on the regularity with which Chair actively encouraged challenge and different contributions during Board meetings. There was support for this view and confirmation of the findings from the earlier evaluation of the Chair (reported to the Board in July 2019) that the Chair was highly effective.
- (2) No members expressed concern that discussion at the Board was constrained or that questions and challenge from members was inhibited or discouraged. There was support for maintenance of the current practice of recording challenge and alternative views in Board minutes.
- (3) There was recognition of the view articulated by one Senate member that Senate and staff members were sometimes in a difficult position with the ability to feel challenged and conflicted by their responsibility to the constituency that had elected them, and to be more reluctant to provide direct challenge. In this context, Senate and staff members were reminded that in their capacity as governors, they were not acting as a delegate or representative of the constituency from which they have been elected, and there was an expectation that all members act in the best interests of the institution, accepting collective responsibility for the decisions agreed by the governing body.
- (4) The comment from one lay Board member that there would be merit in the Board re-considering its approach to collective responsibility and conflicts of interest/loyalty as set out in the report, to ensure that the Board was comfortable that the approach was reasonable and proportionate in all circumstances (including its applicability to student governors). The Board was reminded that current practice was based on Committee of University Chairs and Charity Commission guidance.
- (5) The only occasion on which Prof Esmail's contribution to a Board discussion had been restricted was in October 2017 when the Board was being asked to approve a recommendation from Staffing Committee for two compulsory redundancies, an issue on which the UCU was in formal dispute with management. As Branch Secretary of UCU at the time, Prof Esmail had a clear conflict of interest and his written comments were circulated to the Board but in line with good governance practice, he was asked to withdraw from discussion of this item.

(5) The comment that there was merit in examining the current approach to appointing Board members to Board committees to ensure that this was optimal and transparent with a sufficiently clear and overt role for Nominations Committee. **Action: Deputy Secretary**

(6) That the issues under discussion were not unique to Manchester and reflective of broader governance considerations both inside and outside the sector.

Resolved:

(1) That during the course of 2019-20, the Board review the Board Policy on Conflicts of Interest and Conflicts of Loyalty and its approach to collective responsibility **Action: Deputy Secretary**

(2) That the minute of the Board's consideration of this item be made available to Prof Esmail once approved by the Deputy Chair. **Action: Deputy Secretary**

9. Secretary's Report

i) Compliance with regulatory deadlines; reminder for governing bodies from the Office for Students

Reported:

(1) The Office for Students (OfS) had written to the Chair of the Board on 21 October 2019 (the letter was appended to the report) advising that the University had failed to pay the annual fee to the Designated Quality Body (the Quality Assurance Agency) by the required deadline. This was a breach of one of the conditions of registration with the OfS. The letter advised that the University was one of 250 providers which has failed to pay the QAA by the required deadline. The letter advised further that 73% of providers (282 of 384) have failed to meet at least one regulatory requirement.

(2) The OfS letter required the Board of Governors "to discuss at an upcoming meeting the reasons deadlines were missed, and the steps that will be taken to prevent a recurrence. We (the OfS) will require the record of that discussion to be submitted to us to demonstrate that it has taken place."

(3) Although the OfS will take no further action on this occasion, the letter outlined the consequences of future non-compliance, noting that the OfS now had the power to impose a maximum penalty for each breach of either 2 per cent of a provider's qualifying income, or £500,000 (whichever is the higher).

(4) Unlike in previous years, this year there were two invoices sent by the QAA. The two invoices were sent separately and to different people in the University (and as they were separate and each was lower than the previous year's charge) this caused some initial confusion. One invoice (membership fee for August 2019 to July 2020) for £19,250 was received on 17 July 2019 and paid on 13 August 2019, within the required 30 days terms. The other invoice (DQB annual fee for April 2019 to March 2020) for £14,244 was received on 10 June 2019 and paid on 23 July 2019, i.e. slightly outside the required 30 days terms.

(5) As noted above, the University was one of 250 providers to have been advised that it has failed to pay the DQB annual fee on time. Information obtained from the British Universities Finance Directors Group (BUFDG) suggested that a number of other universities which had received the letter also paid the DQB bill a matter of days outside the required 30 days (in one case, by one day). Whilst the QAA was asked to provide the relevant information to OfS, the University's understanding was that it was not aware of the contents of the OfS letters to institutions until after they were sent.

(6) Given awareness of the split nature of the QAA bill, the University will ensure that this the slight delay in payment does not recur in future years and that the DQB bill is paid within terms.

Noted:

(1) Whilst recognising the importance of ensuring that invoices were paid within terms and on time and its commitment to regulatory compliance, the Board was extremely surprised that a slight delay in payment had resulted in immediate escalation to the Chair of the Board and a requirement for the matter to be considered by a full Board meeting. This was not felt to be good use of the Board's time.

(2) The Board's view was that the approach and tone outlined in the OfS letter (in particular the uncompromising stance adopted in the section headed "consequences of non-compliance" and the potential financial impact) was disproportionate and inappropriate. University officers with experience of working with regulators in other sectors had noted that the tone adopted in other OfS communications

was unusually combative, regularly referencing the OfS's ability to bring to bear the full range of its regulatory powers.

(3) At an event for Accountable Officers on 12 November 2019, officers from the OfS had appeared to confirm that the approach outlined in the letter was proportionate and reasonable. However, in a letter to the President of Universities UK dated 14 November 2019, the Chair of OfS, Sir Michael Barber had apologised for the disproportionate nature and tone of the letter sent to the governing body chairs. The letter from Sir Michael Barber advised that QAA had now provided more information to OfS about individual cases and where the OfS could see that the reasons for the late payment were not due to the university or college and where their proposed approach would not therefore be proportionate, the OfS would write to the provider to acknowledge this and to remove the requirement for a response from the governing body.

(4) The President and Vice-Chancellor had also recently spoken to Sir Michael Barber and he had reiterated the apology for the inappropriate and disproportionate tone of the letter to the Chair of the Board. Sir Michael had offered to attend a Board meeting in the New Year and the Board welcomed this.

Resolved: that, notwithstanding the potential for the requirement for a response to OfS to be withdrawn, the Chair of the Board respond to the OfS letter, outlining the Board's concerns as outlined above.

Action: Chair/Deputy Secretary

ii) Exercise of Delegations

Reported: award of Emeritus Professorships and pursuant to General Regulation VII.4, the Common Seal of the University had been affixed to instruments recorded in entries 2189 to 2214.

10. Annual Accountability and Financial returns to Office for Students, including Financial Statements and Financial and Student Number Tables

Received:

(1) The report to the Audit and Risk Committee from the external auditors, EY, including the management letter of representation.

(2) The 2018-19 annual report from the Audit and Risk Committee, including the annual opinion from the internal auditors, Uniac.

(3) The Financial Statements for the year ending 31 July 2019, including a summary of key points.

(4) Financial and Student Number Tables and Financial Commentary

(5) Accountability Returns (Assurance and Research)

Reported:

(1) The Finance Committee and the Audit and Risk Committee had recommended approval of the Financial Statements, having reviewed the report from the external auditors, EY, who had issued an unqualified audit opinion (the EY report was presented to the Board for information prior to submission to OfS).

(2) The Audit and Risk Committee annual report was presented to the Board for approval, having been approved by the Committee.

(3) For the first time, OfS required formal Board sign-off of detailed Financial and Student Number Tables and Financial Commentary (reviewed by Finance Committee at its meeting on 13 November 2019); the processes to produce the return were the same as in previous years, but the requirement for Board sign off had required an acceleration of the approach adopted in previous years.

(4) The Accountability Returns were for report to the Board and would be signed off by the President and Vice-Chancellor, prior to submission to OfS.

Noted: given the level of granularity in the Financial and Student Number Tables, further clarification of the extent of expected Board level (as opposed to Board Committee and executive) scrutiny would be helpful.

Resolved: that the following documents be approved for submission to OfS (this was in addition to the EY external audit report and the Accountability Returns):

- (1) Audit and Risk Committee Annual Report for 2018-19 (including the internal audit annual opinion for the same period, which was appended to the Committee Annual Report).
- (2) Signed audited Financial Statements for the year ending 31 July 2019.
- (3) Financial and Student Number Tables and Financial Commentary.

Action: Deputy Secretary/Director of Finance

11. Prevent Annual Monitoring Report

Received: a report providing assurance that the University continued to have due regard to the Prevent Duty, to enable the Chair to sign off the Prevent annual accountability statement to OfS (approval of the report itself was not an OfS requirement)

Reported:

(1) The Prevent risk assessment formed one element of a broader institutional risk management framework headed by the Prevent lead, the Director of Compliance and Risk. For the first time, in the past year, the Prevent risk assessment had been released under the Freedom of Information Act (this followed a change from the previous HEFCE approach by OfS and some resulting inconsistent practice in the sector). There was potential for future iterations to be redacted before publication (consistent with provision in the Freedom of Information Act).

(2) There had been no change in the University's approach to filtering and monitoring of material accesses through the network and the JISC filtering products were considered unsuitable for a higher education environment. There were ongoing discussions on this matter with the Director of Information Technology at Manchester Metropolitan University.

(3) A small number of events/speakers had been approved with conditions and mitigations, as outlined in the report. The University's approach to providing guidance for chairs of potentially controversial events was seen as good practice by the OfS.

Resolved: that the Chair be authorised to sign the Prevent annual accountability statement for return to OfS.

Action: Director of Compliance and Risk

12. Board committee reports

(i) Finance Committee (13 November 2019)

Received: a summary of the meeting of Finance Committee held on 13 November 2019.

Reported: In addition to consideration of Financial Statements and elements of the OfS Accountability Return as outlined in 10 above the Committee had considered a number of reports and updates. This had included future financial modelling and scenario planning, review of investment governance and updates on the Capital Programme (e.g. Phase 2 of Fallowfield student residences due to complete by December 2019, the MECD programme which was on target and Chancellors Hotel closure in December 2019 and repurposing for student accommodation) and plans for consideration and review of future Estates strategy.

(ii) Staffing Committee (30 October 2019)

Received: the minutes of the meeting of Staffing Committee meeting held on 30 October 2019.

Reported:

(1) In addition to the regular report on fixed term employees and employees on open-ended contracts with finite funding, the Committee had considered posts in scope or at risk as a result of a required restructuring of the Directorate of Information Technology (IT) Services.

(2) The Directorate of IT Services was undertaking a modernisation programme over the next five years. Proposed changes in the Office of the Chief Information Officer (OCIO) and the Strategy and Demand Architecture (SDA) would result in a reduction in posts. Specifically the Resourcing, Recruitment and Directorate Support team (in OCIO) and the Architecture and Strategy team (in SDA) were the wrong size and shape for the current and expected nature and/or volume of work.

(3) The breakdown of posts either in scope or at risk from the required restructuring was set out in the report; in total 33 posts were in scope (including one vacant post) with 19 posts were both in scope and at risk, and a proposed reduction of 14 posts.

(4) The report also outlined, inter alia, how the University would explore alternatives to redundancy as set out in the Security of Employment Policy, alignment of the proposal with the University's Strategic Plan, financial considerations (estimated annual savings contribution of £350,000), an analysis of the impact of proposed redundancies on other activities and the process of planned consultation.

Noted: in response to a question, the changes would not result in any adverse impact on the student experience; once implemented, IT modernisation would enhance the student experience.

Resolved: having given full and proper consideration to recommendations from Staffing Committee:

(1) The University proceeds with the process outlined in the agreed Contracts Policy and Procedure to deal with those staff considered to be at risk on open ended contracts linked to finite external funding for the period from 1st July 2020 to 31st December 2020.

(2) The University continues to take all steps outlined in the report to avoid the need for redundancy for staff referred to in (1) above wherever possible.

(3) In relation to a specific case referred to in the Staffing Committee minutes, arising from termination of a knowledge transfer partnership, the individual referred to be given three months' notice whilst being treated as an employee (as the individual had less than two years' service, they were not entitled to a redundancy payment and the relevant School will fund any shortfall in salary).

(4) To achieve the required changes to two domains in IT Services (OCIO and SDA), the University should enter into consultation with the campus trade unions about the proposals outlined in the report and, subject to consultation, should progress with its proposals for voluntary severance.

(5) The University continues to take all steps outlined in the report to avoid the need for redundancy wherever possible and, in particular, to support the use of the University's Voluntary Severance Scheme in the affected areas.

(6) The Staffing Committee continue to oversee these proposals in accordance with Part II of Ordinance XXIII.

Action: Director of Human Resources

(iii) Audit and Risk Committee (13 November 2019)

Received: a summary of the meeting of the Audit and Risk Committee held on 13 November 2019.

Reported: In addition to consideration of the external auditors report and financial statements and the Annual Report from the Committee (see item 10 above), the Committee had considered a year-end review of subsidiaries, the latest internal audit report, an update on the Student Experience Programme, an update on the regulatory environment, a report on procurement and value for money and an update on Public Interest Disclosures.

(iv) North Campus Working Group (2 October 2019)

Received: the minutes of the meeting of the North Campus Working Group held on 2 October 2019, noting that the President and Vice-Chancellor had updated the Board on the latest position in her report (see item 4 above).

(v) Remuneration Committee (20 November 2019)

Received: an oral report from the meeting of Remuneration Committee held earlier on 20 November 2019 (a written report would be submitted to the 19 February 2020 meeting).

Reported:

(1) The Committee had reviewed its terms of reference to ensure sufficient emphasis on scrutiny of employees earning over £100,000 and to emphasise that the Committee operated in accordance within a framework set by the Board.

(2) The Committee had considered the increase in the number of staff earning over £100,000 and had agreed to consider further analysis. **Action: Director of Human Resources**

(3) The Committee had also considered some individual remuneration matters and a verbal update on succession planning.

(4) Analysis of staff in professorial posts by gender indicated scope for the Faculties of Science and Engineering and Biology, Medicine and Health to emulate the progress made by the Faculty of Humanities and the Committee had agreed to keep this matter under review

13. Report from the Senate (23 October 2019)

Received: a report from the meeting of Senate held on 23 October 2019.

14. University-Students' Union Relations Committee-UURC (22 October 2019)

Received: a report from the UURC meeting held on 22 October 2019.

Reported: the importance of partnership work with the University, including measures to effect improvements in the spread of student representation.

15. Planning and Resources Committee (1 October 2019 and 5 November 2019)

Received: reports from the above meetings of Planning and Resources Committee.

16. Forward Agenda and Programme of Work

Received: the updated Board forward agenda.

Noted: in response to a request for suggested agenda items, the potential to return to the issue of degree classification and grade inflation, in the overall context of student achievement. Other items suggested included a Board level view of progress on the Student Lifecycle Project; there was also a request to re-send details of pairs of members assigned to specific areas to lead on accountability questioning (particularly at the Accountability Session to be held in February 2020). **Action: Deputy Secretary**

17. Any other business

i) General Election, 12 December 2019

Reported:

(1) The Higher Education Policy Institute (HEPI) had recently published an election briefing focusing on the student vote, undergraduate fees and funding, participation and access, research and development and internationalisation. The briefing was circulated to members and can be found here:

<https://www.hepi.ac.uk/2019/11/20/hepi-election-briefing-how-and-why-this-election-matters-for-students-staff-and-higher-education-institutions/>

(2) There appeared to be no evidence supporting recent press reports that students were being registered to vote against their will. The University's approach to electoral registration activity was set out in a briefing report (contained in the Diligent Reading Room)

Close.

The University of Manchester

29 November 2019

The Rt. Hon Gavin Williamson CBE
Secretary of State for Education
Sanctuary Buildings, Great Smith Street
Westminster
London, SW1P 3BT

Dear Mr Williamson,

Fire Safety in Universities

I write in response to your letter dated 18th November 2019, subsequently clarified in the briefing note issued on 22nd November 2019.

The University undertakes regular fire safety risk assessments across the entire estate focussing on all aspects of fire safety, and we have a well-established fire safety management programme. In the light of this programme we are satisfied that our life safe systems are robust and well managed.

Following the Grenfell fire we undertook a full review of our building stock and established at that time that that none of our residential accommodation is clad in Aluminium Composite Material (ACM). A similar exercise has been undertaken following the Bolton fire and I can confirm that none of our stock is clad in High Pressure Laminate (HPL) systems.

We have now initiated a further review of our estate, comprising 245 academic, residential and administrative buildings, which will assure full compliance with the Regulatory Reform (Fire Safety) Order 2005 and Building Regulations 2010. We take the safety of our staff, students and visitors very seriously and have a professionally qualified in-house fire safety team which has regular dialogue and review with Greater Manchester Fire and Rescue Service. This is reinforced by the consultancy FARMSS (Fire and Risk Management Support Services) who act independently to give external reassurance.

With regard to student accommodation in the private rental sector, we refer our students only to landlords that meet Universities UK (UUK) accreditation standards and this process is internally audited. Accredited properties must meet requirements for up to date fire risk assessments and compliance with Building Regulations. Since the Bolton fire we have requested additional assurances from owners of privately-owned PBSA/commercial premises that those properties meet the requirements of your request.

Whilst our review of fire safety arrangements will continue as planned the University would find it helpful for further clarification on your expected terms of reference and the scope of this request in order to facilitate a consistent approach across the Higher Education sector.

Yours sincerely,



Professor Dame Nancy Rothwell,
President and Vice-Chancellor

Professor Dame Nancy Rothwell FRS
President and Vice-Chancellor

The University of Manchester
Oxford Road
Manchester
M13 9PL

tel +44(0)161 306 6010
fax +44(0)161 306 6011
email president@manchester.ac.uk
www.manchester.ac.uk

Board Briefing Paper

Fire Safety

On 18th November the Secretary of State for Education wrote to all University Vice-chancellors following the fire at the Cube in Bolton on 15th November. That letter included the statement, “I would be very grateful if you could please put in place a review to ensure that there is 100 per cent compliance across all buildings used by your students.” The Secretary of State did not define what is meant by ‘compliance’, or whether it includes Houses in Multiple Occupation (HMO’s), and we, along with the wider sector both individually and through the representative body, the Association of University Directors of Estates (AUDE), have written asking for clarity on definition and scope for the requested review. No response has been received so far and it is likely that government is waiting for post-Grenfell changes to legislation following the recommendations made by Dame Judith Hackitt (Building a Safer Future – Independent Review of Building Regulations and Fire Safety: Final Report) and Sir Martin Moore-Bick (Grenfell Tower Inquiry, Phase 1).

It is likely that the majority of legislative changes will be directed towards residential accommodation above 18m but there are other elements of fire safety improvement that are likely to be applied more widely and this could have a significant impact on universities. We are aware that a Building Safety Regulator will be established as part of the HSE to give effective oversight of the design, construction and occupation of high-risk buildings and this will be established in shadow form immediately pending the necessary legislation.

The government appointed independent expert advisory panel (IEAP) has clarified and updated advice to building owners on actions they should take to ensure their buildings are safe, with a focus on their external wall systems. This consolidated advice makes it clear that building owners need to do more to address safety issues on residential buildings under 18m as well as those over 18m. It additionally reflects the independent panel view that cladding material comprised of ACM (and other metal composites) with an unmodified polyethylene core should not be on residential buildings of any height and should be removed.

Government has also set out further details of the upcoming Fire Safety Bill being introduced to Parliament, which gives more detail on its response to the Grenfell Public Inquiry Phase 1 recommendations. This will clarify the Regulatory Reform (Fire Safety) Order 2005 – ‘the Fire Safety Order’ – requirement for residential building owners to fully consider and mitigate the risks of any external wall systems and front doors to individual flats. The changes will make it easier to enforce where building owners have not remediated unsafe ACM by complementing the powers under the Housing Act.

Immediately following the Grenfell fire a full review of our building stock was undertaken and established at that time that that none of our residential accommodation is clad in

Aluminium Composite Material (ACM). A similar exercise has been undertaken following the Bolton fire and none of our stock is clad in High Pressure Laminate (HPL) systems. A review of private purpose built private sector student accommodation (PBSA) was also undertaken immediately post Grenfell and five PBSA's were identified as having ACM cladding. Of those five, one is currently replacing its cladding system and pressure is being put on those others landlords with ACM or HPL cladding systems to effect replacements. There is no existing legislation to force landlords to do so but upcoming legislation is likely to introduce such powers. With regard to securing assurances from owners of privately-owned premises, landlords have been advised through Manchester Student Homes that the University will only accept Fire Risk Assessments from independently accredited fire risk assessors. Additional on-line advice for students making their own arrangements for accommodation has also been provided.

With regard to University general building stock the most current legislation is the Regulatory Reform (Fire Safety) Order 2005 (RRO) which states:

“The responsible person must—

- (a) take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees; and
- (b) in relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.”

The RRO is supported by a range of guides and standards that reflect the standards of their time. Buildings are constructed to the then prevailing standards and generally subsequent revisions to such standards are not expected to be applied retrospectively. Our buildings have been constructed over the past 180 years and cannot be fully compliant with all the standards published since. The RRO addresses this reality by using terms such as ‘reasonably practicable’ *and* ‘as may reasonably be required’ and employs the device of “Fire Risk Assessments” (FRA) to professionally assess what needs to be done. Furthermore, over an estate as varied as ours, we also have to work within the constraints of our heritage and so, although upgrades to the fabric of those buildings will have been undertaken and FRA's have deemed the buildings safe for occupancy and evacuation, it is unlikely that they would fall within the definition of ‘100% compliance’ in relation to today's Building Regulations.

An important aspect of the RRO is that, except in very specific circumstances, it does not apply to domestic premises and is only concerned with life safety. It imposes a duty to prevent fire but should a fire break out, the fire safety provisions must be sufficient to enable building occupants to evacuate safely. The Bolton fire involved no casualties but it prompted a major media reaction. As the law currently stands the Cube was therefore a “safe” building.

The University has processes in place for meeting legislative requirements and since 2012 has had a contract in place with Fire and Risk Management Support Services (FARMSS) to undertake fire risk assessments and their schedule for completion is up to date. FARMSS have just secured “gold standard” accreditation with United Kingdom Accreditation Service (UKAS) and we are confident in the quality of their service. We also directly employ fire

safety specialists who manage the FARMSS contract, provide advice on capital projects and refurbishments, set strategic priorities and direction and implement the actions arising from the FRA reports. There is also regular dialogue and review with Greater Manchester Fire and Rescue Service. The University complies fully with all regulatory requirements and has robust systems in place for doing so.

The University appointed a new Principal Fire Officer in June 2019 and he has started his own review to identify potential areas for further improvement in respect of fire risk assessments, and in particular in relation to non-University owned stock.

Diana Hampson
Director of Estates and Facilities
January 2020