

Council**9 July 2024**

- Present:** Joe Docherty (Chair), Rebecca Askew, Kay Boycott, Cheryl Millington, Leslie Ferrar, James Grierson, Alison Hastings, Dan Lonsdale, Colin Macpherson, Amir Michael, Liadi Mudashiru, Karen O'Brien, Nigel Perry, Philip Plyming, Ari Sadanandom, Rob Senior, Mike Shipman, and Terry Toney.
- In Attendance:** Neil Scott and Amanda Wilcox (all items), Clive Roberts and Simon Hogg for Minute 100, John Pritchard for Minute 101, Jonathan Batty and Tony Fawcett for Minute 103, and James Walsh (Minutes).
- Apologies:** Navreet Badwal, Jonathan Bewes, Freddy Fossey-Warren, Oliver Foster, Denise Lievesley, JJ Thakkar, and Corinne Saunders.

Minutes of a Meeting of Council held in the Teaching and Learning Centre**92. Chair's Business**

Noted: following a robust recruitment process for the permanent appointment of a Chief Financial Officer the Chairs of Council and Finance Committee, as members of the appointment panel, recommended the appointment of Neil Scott as the Chief Financial Officer (CFO).

Agreed: to appoint Neil Scott as the CFO.

Neil Scott joined the meeting, with Council congratulating him on his permanent appointment as CFO.

93. Declarations of Interest

Noted: there were no declarations of interest.

94. Minutes of Meeting 14 May 2024 (C/23/83)

Approved: the minutes of meeting held on 14 May 2024.

95. Matters Arising

Noted: there were no matters arising.

96. Action Log and Schedule of Business (C/23/84 & /85)

Noted: in relation to the Action Log the following:

- a) to add the action in relation to Minute 76 c) Maths School to the Action Log; **JW**
- b) in relation to Action No. 23/24-01 Ushaw College, the following:
 - i) the report (C/23/86) provided an update on the lease arrangements in place between the University and Ushaw College;
 - ii) the lease allowed part of the College to be utilised by Archaeological Services and provided access to the College Library. The University had also allowed St Leonard's School to use leased space during the period when the school was managing building problems cause by historical use of Reinforced Autoclaved Aerated Concrete (RAAC);
 - iii) the lease was due to expire in July 2026 and the Trustees of the College were aware that the University was unlikely to seek an extension to the lease;

- iv) continued access to the Library, in the event of the lease not being extended, would be discussed with the Trustees when appropriate;

Closed Minute

97. Vice-Chancellor's Report (C/23/87)

Noted:

- a) the student encampment on Palace Green had dispersed with an amicable position achieved. Thanks were noted for the involvement of the Durham Students' Union (DSU) in negotiations with protestors;
- b) in relation to student recruitment the following:

Closed Minute

- c) in relation to PhD recruitment the following:
 - i) the review being undertaken by the Associate Pro-Vice-Chancellor (Postgraduate Research Students) into a Graduate School would provide recommendations to UEC about how PhD provision could be improved;
 - ii) the biggest issue to PhD growth was a decline in the availability of funding. The University was investigating opportunities to support PhDs from philanthropic and industry links.
- d) the decision to bring Facility Management services in-house would have an implication on the University's finances, but UEC had agreed to the commitment in discussion with the Trade Unions as it would improve terms and conditions for staff;
- e) UEC had held a very successful Away Day, with benchmarking data on the University provided by the consultants Tribal. UEC would continue to reflect on the information received in understanding its implication in relation to the University Strategy.

98. Senate Report (C/23/88)

Noted:

- a) Senate's discussion on progress being made with the work on Student Voice had been very positive, with the partnership approach between the University and the DSU key to progress made;
- b) the National Student Survey (NSS) was a barometer for Student Voice, although it was difficult to understand how students interpreted the question about representation of their views by the students' union;
- c) Senate had agreed to a more flexible approach to timetabling, which will be extremely beneficial in better utilisation of teaching spaces across the University Estate;
- d) following a detailed discussion on Academic Progression and Promotion, Senate agreed that alternative mandatory submission years were important for tackling EDI issues, but it was not necessary for someone to submit each year. Senate did note that annual appraisals were important in judging performance;
- e) in noting the contents of the Student Conduct Office Annual Report and Student Appeals & Academic Misconduct, Council agreed minor modifications to the structure and nomenclature in the General Regulations;
- f) in relation to the report on Sexual Misconduct and Violence (SMV) Trend Monitoring 2022/23 the following:
 - i) the University continued to seek to resolve issues of SMV, with the increase in cases related to improved reporting tools and a decrease in reluctance to report SMV incidents;
 - ii) training on consent was a target for the Colleges, although it was noticeable that in some cases of SMV the perpetrator had complete consent training, although how far they had 'engaged' in the training was not known;

- iii) having consulted on expectations in tackling SMV, it was likely that the OfS would bring in further regulations to tackle harassment and sexual misconduct;
- iv) noting the departure of the Sexual Misconduct Prevent & Response Manager, Council placed on record its thanks for all their hard work and those of the team involved in tackling SMV.

Agreed: changes to the General Regulations as detailed in the report.

99. Students' Union Report (C/23/89)

Noted:

- a) the DSU was pleased to report the positive approach taken by the University in responding to the encampment on Palace Green;
- b) the DSU President reported a frustrated lack of progress in working with Durham County Council to tackle landlords with unsatisfactory student properties.

100. Science Transformation

Received: Science Transformation Programme (STP) presentation.

Noted:

- a) the Executive Dean for the Faculty of Science and the Senior Responsible Officer for the STP provided a presentation to Council which covered the following areas: progress made since the last update to Council September 2023; the key themes of the STP; programme objectives; the six research focus areas including the addition since September of Health Science, Critical Resources & Infrastructure, and Data Science, AI & Robotics; next steps;
- b) in transforming departments in the Faculty it was noted that change would lead to some deliverables no longer being required;
- c) part of the STP was to improve the QS World Rankings of departments which currently were outside of the top 200 for their discipline, some of which was due to the current size of departments;
- d) research income generation would be a key focus for the STP, in increasing opportunities for growth and to improve the comparison with similar sized and Russell Group institutions;
- e) part of the short-term impact of the STP would be the reimagining of the Upper Mountjoy site, following the decamp of staff based there to Boldon House;
- f) Council would continue to receive progress reports on the STP when appropriate.

101. Progress Against Strategic Performance Indicators (SPI) and Strategy Implementation Update (C/23/91)

Noted:

- a) progress to improve citation performance was dependent on research maturity of staff, with performance only measurable for research output whilst the researcher was working at the University; this resulted in a lag for improving performance;
- b) the biggest challenge to improving research income was a reduction in the number of funding opportunities available. With a shift to focus on income from industry rather than government providers;
- c) work was continuing to improve performance in the NSS, with departments having targeted action plans. There remained a concern that performance in the 2024 NSS may be impacted by the Marking & Assessment Boycott, which will have impacted on graduating students last year;
- d) UEC utilised the SPIs in monitoring and analysing performance towards the University Strategy aims and objectives;
- e) future iterations of the data might helpfully include comparators to previous outputs, so that progress was easier to judge;

- f) Council was scheduled to receive the next progress report during Epiphany Term 2025.

102. Budget 2024/25 (C/23/92)

Noted:

- a) in May 2024 the OfS issued a report on the Financial Sustainability of Higher Education Providers in England, which painted a bleak economic picture for the sector and would hopefully be a focus for the new UK Government;
- b) although the University in its 5-year forecast reported a predicted operating deficit to the OfS, it had been challenging to keep the deficit inline with predictions, with an operating surplus planned for 2026-27;
- c) the outcome of the pay settlement and ability to maintain student number targets were key factors in managing the budget for 2024-25. With student target data available towards the end of the calendar year;
- d) the University continued to manage its estate and, inline with a recent report on property disposals, may result in the opportunity to release funding to improve the budgetary position;
- e) an investment programme continued to operate in trying to attract world leading scholars to the University. This had a countercyclical impact and increased opportunities to attract research funding and encourage students to study at the University;
- f) Council would receive an update on the position of the Capital Programme and progress against the 5-year financial forecast during the next Academic Year.

Approved: the Budget for 2024/25.

103. Access and Participation Plan (C/23/93)

Received: Developing the New Access and Participation Plan presentation.

Noted:

- a) the Pro-Vice-Chancellor (Education) and the Deputy Academic Registrar (Access, Recruitment & Admissions) provided Council with a presentation which covered the following areas:
 - i) institutions which charged above the basic UG tuition fee cap were required by the OfS to develop an Access & Participation Plan (APP) which addressed how they ensured students from all backgrounds had equal access to higher education;
 - ii) the APP was a small core of the University's efforts in relation to widening participation, with the Widening Access & Participation Strategy and Innovation Activity sitting outside and enhancing the APP;
 - iii) the University continued to make progress in increasing the number of UG students who came from lower participation postcodes, formerly measured as POLAR4 and now TUNDRA;
 - iv) 7 objectives had been agreed by the University, which would be presented to OfS as measurable impacts of the work to improve access and participation, with complimentary intervention strategies and outcomes identified to focus efforts.
- b) the DSU endorsed the APP which they felt demonstrated the University operating at its best in promoting an inclusive environment for all students to thrive;
- c) Council was pleased that although the APP met the OfS regulatory requirements, it formed only a small part of the University's ambition in relation to access and participation.

Approved: the Access and Participation Plan for submission to the OfS.

104. Durham University Code of Practice on Freedom of Speech (C/23/94)

Noted:

- a) following the implementation of the Freedom of Speech (Higher Education) Act in 2023, all higher education institutions had to produce an updated Free Speech Code of Practice;
- b) the DSU would be regulated by the OfS and as such were obliged to produce their own Free Speech Code of Practice. The OfS had insisted that student union and university codes of practice should be distinctive in nature;
- c) including the procedure within the code of practice had been a requirement of the OfS regulations;
- d) although the OfS had consulted on regulatory requirements and an associated complaints procedure in relation to Freedom of Speech, feedback from the consultations had not been published due to the recent General Election pre-election period;
- e) noting the recent changes to the UK Government, there had been tentative contact from the Department for Education (DfE) about a potential pause to implementation of the OfS regulatory framework and complaints scheme in relation to Freedom of Speech;
- f) noting the implementation date of 1 August 2024 and contact from the DfE, the Chair suggested amendment to the resolution, to include the application of judgement by the University Secretary on the final wording of the Code, dependent on any further correspondence from the DfE or OfS.

Approved:

- a) the University's Free Speech Code of Practice; and
- b) delegated authority to the University Secretary to approve final wording to the Code of Practice on Freedom of Speech.

AW

105. Finance Committee Report: 19 June 2024 (C/23/95)

Noted: the report of items discussed by Finance Committee on 19 June 2024.

106. Audit and Risk Committee Report: 13 June 2024 (C/23/96)

Noted: the report of items discussed at Audit and Risk Committee on 13 June 2024.

Approved:

- a) the amendment to the target risk dates for SR02 Business Model and Financial Sustainability and SR03 People and Culture;
- b) the increase of the residual risk score for SR11 Legal and Regulatory Compliance from 6 to 9;
- c) the renaming of risk SR12 Decision Making to Effective Data-Led Decision Making and setting the date of December 2026 to achieve the target risk score.

107. Governance and Nominations Committee Report: 20 June 2024 (C/23/97)

Noted: the report of items discussed by Governance and Nominations Committee on 20 June 2024.

Agreed: the appointment of Lay and Staff Members of Council as set out in the paper.

108. People and Organisational Development Committee Report: 6 June 2024 (C/23/98)

Noted: the report of items discussed by PODC on 6 June 2024

109. Ethics Committee Report: 13 May 2024 (C/23/99)

Noted: the report of items discussed by Ethics Committee on 13 May 2024

110. Remuneration Committee Report: 12 June 2024 (C/23/100)

Noted: the report of items discussed by Remuneration Committee on 12 June 2024.

111. HR Report on Key Staffing Matters (C/23/101)

Received: HR Report on Key Staffing Matters for information.

112. Business Taken by Delegated Authority / Chair's Action (C/23/102)

Noted: the action taken by delegate authority and Chair's action since the last meeting of Council.

113. Thanks

Noted: on behalf of Council, the Chair thanked Navreet Badwal, Kay Boycott, Alison Hastings, Colin Macpherson, Liadi Mudashiru and Freddy Fossey-Warren as outgoing Members for their commitment and service to Council.