



## **Minutes of the sixty-seventh meeting of the Board of Directors held on 24 September 2019**

Present: Dame Suzi Leather (Chair)  
William Callaway, Andrew Chandler, Professor Geoffrey Elliott,  
Wendy Finlay, Professor Alistair Fitt, Gillian Fleming, Peter Forbes,  
Dave Hall, Martin Kirke, Andy Mack, Jonathan Rees, Dr Diana  
Walford, Sophie Williams

Apologies: Claire Sosienski Smith (David Malcolm)

Secretary: Sarah Liddell (Company Secretary)

In Attendance: Ben Elger (Chief Executive)  
Felicity Mitchell (Independent Adjudicator)  
Tracey Allen (Adjudication Manager)  
Chris Pinnell (Head of Casework Support & Resolution Team)

### **19/27 Chair's business**

There was no Chair's business.

### **19/28 Membership**

The Board welcomed Dave Hall to his first meeting as AHUA Nominated Director, Martin Kirke to his first Board meeting, Chris Pinnell (Head of Casework Support & Resolution Team), and Tracey Allen (Adjudication Manager) as staff observer.

### **19/29 Declarations of interests**

There were no declarations of interest.

### **19/30 Minutes of the last meeting**

The minutes of the sixty-sixth meeting of the Board held on 20 June 2019 were **approved**.

### **19/31 Matters arising from the minutes and actions log update**

The Board received a record of the matters arising from the minutes and actions update.

Advice had been taken as agreed on chairing of Nominations and Remuneration Committees. It was **agreed** that the Chair should continue to chair the Committee but one of the Independent Directors on the Committee would chair consideration of senior leadership remuneration.

There were no further matters arising.

### **19/32 Governance Working Group**

The Board received an update on the review of governance membership and the note of the last Governance Working Group meeting.

The overall sense from meetings to date with company members has been that they understand the governance challenge and are open to considering changes, but that the existing structure has worked well and they are concerned not to lose involvement in our governance. The Deputy Chair commented that his experience of the meetings has been that we are well respected.

The Governance Working Group will consider the issues further at its meeting in October, with a view to developing proposals to bring to the Board in December.

### **19/33 Report from the Independent Adjudicator and Chief Executive**

The Board received the quarterly report from the Independent Adjudicator and the Chief Executive.

The most recent ministerial letter to OfS talks about student contracts, and there is some risk that increasingly legalistic language loses sight of the sector's alternative dispute resolution approach.

Our involvement in work around GSM London going into administration has been positively received. Whilst it is too early to draw many conclusions, it has been a good example of how we can both maintain our independence and work with others to the benefit of students and other stakeholders. The situation has highlighted the issue we have raised before that students are still at the back of the queue for any available funds, and the question of whether there is a need for a protection scheme and funds for students in this type of situation. It was agreed that we should continue to talk

publicly about these issues and where appropriate other learning from this experience. The GSM situation has also brought student protection plans into greater focus. We are working with NUS to help students' unions at the receiving providers to be well prepared to support students if this happens. We have demonstrated that we can be agile in responding to situations, helped by our previous experience of preparing for industrial action-related complaints. The Board noted its thanks to Charlotte Corrish and Jo Nuckley for their excellent work.

Jo Nuckley (formerly Head of Adjudication Team) has been appointed Head of Outreach & Insight. Thanks were noted to Wendy Finlay for her contribution to the appointment process. She will develop reporting on our good practice work. The proposal to bring that reporting and a report on student feedback to the Board every six months to give clearer oversight of these two areas was **agreed**.

The approach to student discussion groups has been refined to be more structured with a key themes matrix. With help from Wendy Finlay, we are trialing an online discussion group at UCEM.

The new Fitness to practise section of the Good Practice Framework will be published in early October. Some amendments have been made to incorporate feedback from the consultation. There has been high demand for places on the workshop taking place in October to support the launch.

A discussion paper on requests for special consideration will be published in the autumn, building on the Mitigating Circumstances Forum and other discussions.

We will be rolling out collection of data on internal complaints and academic appeals, on a voluntary basis from January 2020. We are aiming to make the process as easy as possible and will share the data anonymously with those who contribute to encourage participation.

Zoë Babb has been appointed as Head of the Adjudication Team. Thanks were noted to Gillian Fleming for her help with the selection process. Zoë was previously an Adjudication Manager and has extensive casework experience.

Following feedback from students, we are now routinely offering phone calls to students at two stages of our process. We explain our process at the start and then discuss our understanding of the complaint with the student to reassure them that we have understood it.

As part of our work to do more analysis of the case information we hold, we have begun to look at the data on complaints from disabled students and will in due course be

looking at some other diversity characteristics. The Board will have a discussion on diversity in December.

It was confirmed that the existing Alternative Dispute Resolution regulations are expected to continue post-Brexit as they have been incorporated into English law.

Remedial and improvement works to the building are ongoing.

### **19/34 KPIs**

The Board received a report and proposals on KPIs from the Chief Executive.

Case closures are 25% up on the same point in 2018, representing a significant increase in productivity, and the case-handling teams were congratulated on the particularly high number of case closures in August. Despite this the increased caseload has led to cases waiting longer. It will be important to stay focused on productivity but this needs to be balanced with maintaining quality and staff morale, and with recognising that factors such as the complexity of cases have an effect. Overall the Board was satisfied that the caseload challenges are being addressed.

It was agreed that it is helpful to have stable KPIs that allow performance to be measured over time and that the current KPIs give an adequate picture of performance. The proposal to keep the existing KPIs at their current level for 2020 was **approved**.

There was discussion of monitoring of other aspects of our work, specifically good practice and student satisfaction. It was **agreed** that the proposal to bring to the Board a six-monthly report on our good practice work and a six-monthly report on student feedback was a good approach.

### **19/35 Financial matters**

The Board received the Finance Report to July 2019 from the Chief Executive.

Following a tender process and approval by the Board by email, Crowe UK have been reappointed as our auditors.

The Board received the unconfirmed minutes of the twenty-ninth meeting of the Finance Committee held on 9 September 2019.

The Board received and considered a paper on the 2019 budget and subscriptions and 2020 estimate from the Chief Executive.

It was recognised that there is a clear link between the level of case receipts and resource needed, and that the proposed increase in subscriptions is well below the rise in case receipts this year which are currently around 16% up on the same point in 2018. If receipts were to continue to rise at this rate over the longer term, it would not be sustainable to manage the caseload without a more significant increase in resource.

The Board **approved** the proposed 2020 budget including the 5% core subscription increase and the proposed increase in the per point fee of the case element from £200 to £210.

### **19/36 Report from the Company Secretary**

The Board received the quarterly report from the Company Secretary.

The abbreviated minutes of the last meeting were **approved**.

### **19/37 Any other business**

There was no other business.

### **19/38 Reflections on the meeting**

### **19/39 Dates of future meetings**

- Monday 9 December 2019 at 10.30am, followed by the annual internal governance review session from 1.45-2.45pm
- Tuesday 31 March 2020 at 10.30am
- Tuesday 23 June 2020 at 10.30am (Away Day: 23-24 June 2020)
- Thursday 24 September 2020 at 10.30am
- Wednesday 9 December 2020 at 10.30am

Sarah Liddell  
Company Secretary  
27 September 2019