

## **Minutes of the eighty-sixth meeting of the Board of Directors held on 27 June 2024**

Present: Sim Scavazza (Chair)  
Adesewa Adebisi, William Callaway, Andrew Chandler, Chloe Field,  
Wendy Finlay, Professor Alistair Fitt, Nicola Flint, Martin Kirke,  
Kevin Mundy, Jonathan Rees, Jon Renyard, Sophie Williams

Apologies: None

Secretary: Sarah Liddell (Company Secretary)

In attendance: Ben Elger (Chief Executive)  
Helen Megarry (Independent Adjudicator)  
Zoë Babb (Head of Adjudication Team)  
Jo Nuckley (Head of Outreach and Insight Team)  
Emma Jackson (Adjudication Manager)  
Anda Albu (Executive Assistant) (note-taker)

### **24/13 Chair's business**

There was no Chair's business.

### **24/14 Membership**

The Chair welcomed Zoë Babb, Jo Nuckley and Emma Jackson as a staff observer to the meeting.

### **24/15 Declarations of interests**

There were no declarations of interests.

### **24/16 Minutes of the last meeting**

The minutes of the eighty-fifth meeting of the Board held on 27 March 2024 were **approved**.

## **24/17 Matters arising from the minutes and actions log update**

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

EM Normandie UK Limited was admitted to the Scheme on 1 June 2024. (24/05 refers)

All other action points had either been completed, were covered under other agenda items or an update had been provided, or were not yet due, and there were no further matters arising.

## **24/18 Report from the Independent Adjudicator and the Chief Executive**

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

Higher education is included in political parties' manifestos. Whatever the outcome of the election there will continue to be very significant financial challenges for higher education. The impact of the election will be different in Wales where responsibility for higher education is devolved.

We have continued preparations for the introduction of the OfS free speech complaints scheme. There is some uncertainty around the OfS scheme because of the general election. Timescales to meet the current expected start date of 1 August 2024 are very tight because the OfS has been unable to publish its response to its consultation on the proposed rules of the scheme due to the pre-election period. It was noted that the number of complaints involving free speech remains very small.

We have been working with various organisations around market exit, building on our article in Wonkhe earlier this year. We are focusing on protection for students in the event of a provider closure and encouraging thought about the full breadth of our Scheme membership. We have continued to discuss possible options of an insurance scheme, a pot of money from which payments could be made in the event of a closure, and legislative protection through a special administration regime. Given the significant financial difficulties in the sector, this issue is likely to be of interest to an incoming government. It was noted that financial difficulties are being compounded by lower recruitment of international postgraduate students. In some providers pressures are acute. The Board was supportive of the intention to maintain momentum and visibility of our work around market exit.

We have continued to liaise with the Welsh government about the expansion of our remit. However, this is not a high priority for them at the moment because they are

focused on fully establishing Medr (the new name for the Commission for Tertiary Education and Research).

The large group legal action against UCL returned to the High Court on 18 and 19 June. The litigation will proceed on the basis of test cases and the focus of considerations was on the grouping of the claims and the number of test cases. The judgment is expected in about two weeks' time and the substantive hearing is expected to take place in early 2026.

Our casework performance continues to be very strong, in particular our turnaround times.

It was noted that our Higher Education Advisory Panel comprises around 10 members from a range of providers and students' unions. Membership of the Panel is published on our website and in our Annual Report.

The annual update on our good practice and outreach work shows the extent of our work in this area, despite the small size of the team.

The annual report on students' experiences of our service reflects the continuing mismatch between some students' hopes and expectations and what we offer, despite the extensive work we do to try to explain our role and manage expectations. This is a challenge throughout the ombuds sector.

The MyOIA portal has brought significant efficiencies and enhanced access. Accessibility for students is important and we are providing more bespoke technical support for portal users who need additional help.

Preparations are progressing for our employee engagement survey. The survey will take place over the summer in time to feed into the autumn governance cycle.

The Diversity Steering Group had met in early June. The main item had been an update on the work in the students/casework workstream around disabled students and the start of the work to look again at our casework data by ethnicity. It was noted that information gathered through student discussion groups also provides valuable insight and it would be helpful to include this in the update for the next Diversity Steering Group meeting.

The Group had also discussed the staff/recruitment workstream.

## **24/19 Strategic review**

The Board received and considered an update on the strategic review from the Independent Adjudicator and the Chief Executive.

The process to date has had a high level of involvement of the whole Management Group and valuable input from staff and the Board, and has been supported throughout by George Levvy from Compass Partnership. The Board was positive about the process and the progress made, and noted that it will be important to continue to involve staff as work is taken forward.

We will keep the Board up to date with progress and will bring further work to the Board in September.

## **24/20 KPIs**

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

## **24/21 OIA Scheme Rules**

The Board received and considered the proposed updated OIA Scheme Rules.

Consultation responses had been largely positive. Some small changes have been made to the proposed Rules to address some points made.

There was discussion of how best to make it clear, including for students, that we are not bound by our previous casework decisions and are not like a court, and that we have discretion in the approach we take to each case, without giving the incorrect impression that we don't seek to be consistent in our decision-making. Rule 9 will be reworded to address this, and some explanation included in the Guidance on the Rules.

Subject to this amendment, the Board **approved** the proposed revised OIA Scheme Rules to come into effect if and when the OfS scheme comes into operation.

## **24/22 Financial Matters**

The Board received the Finance Report to May 2024 and a paper on financial planning from the Chief Executive.

## **24/23 Report from the Company Secretary**

The Board received the quarterly report from the Company Secretary.

The recruitment of a Director with a Welsh sector perspective remains on hold pending progress with the governance arrangements. NUS are appointing a new Nominated Director. They will not appoint an Alternate Director in view of the planned governance changes but the Board **approved** a support arrangement under which NUS will identify a second person who can attend meetings as an observer when their Nominated Director is unable to attend.

Board members were thanked for responding to the request for information about any significant involvement they have in the general election so that this could be recorded and if necessary managed appropriately, and were asked to let us know about anything not yet declared as soon as possible.

#### **24/24 Any other business**

This was the last meeting for three Board members who have reached the end of their terms of office. William Callaway, Universities Wales Nominated Director and Jon Renyard, GuildHE Nominated Director were warmly thanked for their hugely valuable contribution over many years on the Board. Chloe Field, NUS Alternate Director was thanked for her contribution since joining the Board in 2022. Thanks were also noted to Sarah Liddell, departing Company Secretary.

There was no further other business.

#### **24/25 Reflections on the meeting**

The Chair invited Board members to send her or the Senior Leadership Team any reflections on the meeting.

#### **24/26 Dates of future meetings**

- Thursday 26 September 2024 at 10.30am
- Thursday 12 December 2024 at 10.30am

Sarah Liddell  
Company Secretary

28 June 2024