



Minutes of the eighty-second meeting of the Board of Directors held on 27 June 2023

- Present:** Dame Suzi Leather (Chair)
Adesewa Adebisi, Andrew Chandler, Wendy Finlay, Martin Kirke,
Andy Mack, Kevin Mundy, Jon Renyard, Sophie Williams
- Apologies:** William Callaway, Professor Alistair Fitt, Dave Hall, Jonathan Rees,
Orla Tarn (Chloe Field)
- Secretary:** Sarah Liddell (Company Secretary)
- In attendance:** Ben Elger (Chief Executive)
Helen Megarry (Independent Adjudicator)
Nicola Flint (Independent Director Designate)
Zoë Babb (Head of the Adjudication Team)
Jo Nuckley (Head of Outreach and Insight Team)
Nicole Sanderson (Casework Support Manager)
Jennifer Runde (Communications Officer) (note-taker)

23/14 Chair's business

There was no Chair's business.

23/15 Membership

The Chair welcomed Nicola Flint as an observer following her appointment by the Board as an Independent Director for three years from 1 July 2023, Kevin Mundy (Universities Wales Alternate Director), Helen Megarry to her first Board meeting, and Nicole Sanderson as staff observer.

23/16 Declarations of interests

There were no declarations of interests.

23/17 Minutes of the last meeting

The minutes of the eighty-first meeting of the Board held on 31 March 2023 were **approved**.

23/18 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. All actions had either been completed, are covered under other agenda items or an update had been provided.

There were no further matters arising.

23/19 Nominations & Governance Committee matters

The Board received and considered recommendations from the Nominations & Governance Committee and received the unconfirmed minutes of the Committee's first meeting held on 21 June 2023.

It was **agreed** to recruit two new Directors with an English sector perspective at the same time towards the end of 2023. This will maximise the opportunity to bring different aspects of sector expertise onto the Board.

The Committee also recommended that Andrew Chandler and Jonathan Rees be asked to serve further terms of office to 31 March 2026. Andrew confirmed that he would be willing to do this, and stepped out of the meeting while his term of office was considered. It was noted that it is important to strengthen continuity on the Board in view of the changes in Board membership in 2023 and 2024. The Board **approved** both further terms of office, with Jonathan's subject to his agreement.

23/20 Report from the Independent Adjudicator and the Chief Executive

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

Our meetings with Welsh government officials are moving forward towards implementation of our expanded remit. It was noted that the wider implementation of the Act is at a relatively early stage. In due course we will need to make changes to the Scheme Rules and presentational changes to reflect the extension of our remit.

Professor Arif Ahmed has been appointed as the Office for Students' Director for Freedom of Speech and Academic Freedom but is not expected to take up the role until later in the summer. Although there were some reassurances during debates in parliament that implementation would not be rushed and would be consulted on, we are concerned about the limited time left to ensure there is as good advice as possible for students about the best route for their complaint.

The Lifelong Loan Entitlement (LLE) legislation is making progress through parliament and we anticipate that it will pass. We are currently trying to make sure that if the legislation leads to new providers delivering at HE level, their students will be able to access our Scheme.

Following the petition calling for universities to have a duty of care to their students, we are engaging with work led by Edward Peck, the government's Student Support Champion. There are some ministerial and sector concerns about a statutory approach but a recognition of the need to do more for student mental health. It was noted that as recognised in the All-Party Parliamentary Group for Students' report on the cost of living crisis, student support services were originally set up to support a minority of students in difficulty, not the large numbers there are now, and that there are not adequate external services to refer students to. It was also noted that if a student dies by suicide, it is not currently possible for us to accept a complaint made on the student's behalf because under statute we can only accept complaints made by a person as a student or former student.

The initial hearing in the test case against UCL as part of the large group legal action relating to industrial action and the pandemic has taken place. We are waiting for the decision on whether the group action can proceed or will be stayed for students to go through internal complaints processes and then if necessary our Scheme.

The situation following the withdrawal by the Nursing and Midwifery Council (NMC) of accreditation for the midwifery course at Canterbury Christ Church University is a significant concern. We have done work to try to encourage focus on mitigating the impact on students.

We have also engaged with the Higher Education after #Me Too report from the 1752 Group.

Helen Megarry reported that she has been familiarising herself with our casework processes and looking beyond how we currently operate with a view to making further improvements so that the casework function can continue to be reliable and resilient in the context of external challenges.

We are progressing work to update the Delivering learning opportunities with others section of the Good Practice Framework. Overall the Framework is not in need of major updating (we completed updates to the foundational section last year) but we continue to look at areas for further development, balancing areas where we have learning we think it would be helpful to share with the requests and suggestions for developments that we receive.

The Board considered the update on our EDI work across our three workstreams (students/casework, staff/recruitment and Board diversity) and heard from Board members who are on the Diversity Steering Group. It is positive that we have been able to make progress with all three workstreams over the last 12 months. We include information about our EDI work in our Annual Report each year. We have updated our EDI webpage following the last Board meeting, including to signpost more clearly to the information in our Annual Reports. There was consensus that it would be helpful to encourage providers, student representative bodies and others in the sector to engage with our data to try to build understanding and importantly to encourage focus on what more can be done within providers to address inequalities, in particular around disability and ethnicity. It was **agreed** to bring some information to the Board in December. The Diversity Steering Group was thanked for its work.

23/21 KPIs

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

The Board gave initial consideration to the KPIs for 2024 ahead of formal decision at the September Board meeting.

23/22 Financial matters

The Board received and considered the Finance Report to April 2023 and a paper on financial planning from the Chief Executive.

Work is ongoing on the review of the case element thresholds, which while not affecting the 2024 budget will be relevant for the longer term.

23/23 Report from the Company Secretary

The Board received the quarterly report from the Company Secretary.

Board members who are leaving will be asked for their thoughts on the OIA's governance as part of their exit interview, to feed into the annual internal review of governance in December.

23/24 Any other business

There was no other business.

23/25 Reflections on the meeting

23/26 Dates of future meetings

- Friday 22 September 2023 at 10.30am
- The December 2023 Board meeting is being rescheduled for the second week of December.

Sarah Liddell
Company Secretary
3 July 2023