

CONFIRMED MINUTES OF THE MEETING HELD ON 10 FEBRUARY 2021

PRESENT (via Microsoft Teams):

Meg Munn (Chair)	Chris Kenny
Professor Chris Husbands	Neil Macdonald (to item 6.5 inclusive)
Lord Kerslake	

IN ATTENDANCE (via Microsoft Teams):	AGENDA ITEM
Michaela Boryslawskyj, University Secretary and Clerk to the Board	All
Richard Calvert, DVC Strategy and Operations	All
Deborah Harry, Chief Finance and Planning Officer	All
Sally Jackson, Chief People Officer	All
Dan Ladbury, Director of Estates and Facilities	Item 5 & 6
Dan Lally, Head of Business Engagement and Growth	Item 5
Linda Mason, Director of Strategy, Planning and Insight	Item 5
Aaron Porter, Advance HE (Observer)	All
Peter Roddis, Head of Health and Safety	Item 6.1
Sharon Taylor, Head of HROD – Resourcing and Reward	Item 7.2
Simon Taylor, Head of Finance	Item 5
Angela Temple (Committee Secretary)	All

APOLOGIES:

David Bradley
Dr Julie Morrissy

Agenda item 2 Paper Ref	Declarations of Interest	Minute Ref	FEC/2/21/1
1.1 Prior to the meeting Julie Morrissy had declared a potential interest in relation to item 5: potential opportunity: strategic business case. The University Secretary had provided advice to the Chair and Julie Morrissy in relation to the potential action that could be taken to respond to the declaration if Julie Morrissy was at any meeting at which the item was discussed. Julie Morrissy was not present at the meeting on 10 February 2021.			
1.2 No other declarations of interest had been received.			
Agenda item 3.1 Paper Ref	Minutes of Meeting held on 13 January 2020	Minute Ref	FEC/2/21/2
2.1 The minutes were <u>approved</u> .			
Agenda item 3.2 Paper Ref	Minutes of the Joint Meeting with Audit and Risk Committee held on 13 January 2021	Minute Ref	FEC/2/21/3
3.1 The minutes were <u>approved</u> .			
Agenda item 4 Paper Ref	Matters Arising and Action Tracker	Minute Ref	FEC/2/21/4
4.1 There were no matters arising or amendments to the Action Tracker.			
Agenda item 5 Paper Ref	Potential Opportunity: Strategic Business Case	Minute Ref	FEC/2/21/5
5.1-5.3 A minute confidential to the Committee was recorded.			

5.4 Subject to further developments in relation to the commercial arrangements it was agreed to hold an additional FEC meeting to discuss the opportunity, if and when ULT judged that a best and final offer had been received and if ULT agreed that the offer should be progressed.

5.5 The DVC Strategy and Operations would brief absent members on the discussion prior to the additional meeting.

Agenda item 6.1

Health and Safety

Minute Ref **FEC/2/21/6**

6.1 At the Board of Governors meeting on 2 February 2021 the University's response to concerns raised in a joint statement from the University's Trade Unions in January 2021 had been raised. The Board had referred the matter to the FEC to consider.

6.2 It was noted that:

- i. there was regular reporting into the University's Gold Group on matters raised at the weekly management/Health and Safety Service/trade union meetings which took place to consider health and safety matters/concerns;
- ii. UCU's national position, which had been adopted by the University's UCU branch, was that all HE teaching provision should be through online/remote means except where this was practically impossible (e.g. for laboratory-based teaching and courses with practical elements such as performing arts, sciences, and some arts courses). Where face-to-face teaching was unavoidable measures should be in place to create covid-safe university settings through the measures set out in the Independent SAGE report and summarised in UCU's position statement;
- iii. during the third national lockdown (which commenced on 5 January 2021) the University had delivered most of its provision on-line, with the exception of some health course provision. The University was also delivering some provision on-line which the Government guidance specified could be provided face-to-face;
- iv. the University had consulted the TUs on its covid-19 risk assessments and had taken account of TU comments. However, on some occasions the University had not been able to reach agreement with the TU on particular matters (including where the stance of the Union had been that particular face-to-face activity should not take place);
- v. progress had been made in relation to TU concerns about the adequacy of ventilation on campus via a meeting to discuss this and the University had agreed to provide additional data on ventilation;
- vi. the UCU had contacted the Health and Safety Executive (HSE) concerning two matters. The University had supplied information/documentation to the HSE and the HSE had not raised any further concerns with the University;
- vii. in response to TU comments around marking teaching space, the University had changed its approach so that it physically marked all teaching spaces to define the space. Whilst there was nothing in the guidance or regulations about doing this, it had decided to add this mitigation to help alleviate the anxiety of staff;
- viii. there were three key areas of divergence between management and the TUs:
 - a. the University's use of the covid age tool. The University's approach was to fully implement the tool as designed. UCU had requested that the University went further, in response to higher infection rates, by applying additional limitations over and above what was required by the tool. The University's approach already reflected higher infection rates, by applying the highest specified standard of mitigation, and was therefore considered to be suitable and sufficient;
 - b. UCU had formally rejected the high-level covid-19 risk assessment;

- c. the TUs views concerning some of the activity on campus – this included the operation of the libraries and limited catering, which the TUs felt was not essential.

6.3 It was noted that FEC's role was to consider whether appropriate processes were in place to manage health and safety in relation to the covid-19 response. In response to questions the following was confirmed:

- i. consultation took place on all risk assessments, where significant feedback could not be resolved, this was brought to the attention of Gold as part of the sign off process. However, the process did not require formal sign-off of each risk assessment by the Trade Unions as this would not be practical. The Committee were assured that there was a formal process for engagement with the TUs and that any areas of disagreement were formally recorded;
- ii. the TUs stance at the University appeared to be in line with the stance of TUs across the sector;
- iii. the local TUs had negotiated on specific local issues including ventilation and marking teaching areas;
- iv. the University would need to carefully consider its approach to increased face-to-face provision once the Government reduced restrictions on such provision.

6.4 The Committee was assured that the University had responded appropriately to TU concerns and addressed these where appropriate. The Committee noted that there had been differences of opinion on the appropriate response between the University and TUs but felt that appropriate accommodation was being made for TUs concerns where practical whilst recognising the need to provide the best possible, and safe, experience for students.

Agenda item 6.2i
Paper Ref FEC/2/21/6.2i
CONFIDENTIAL

**Fire Remediation Procurement Waiver –
Remediation of Fire Risks Across the Estate**

Minute Ref FEC/2/21/7

7.1 A minute confidential to the Committee was recorded.

7.2 The Finance and Employment Committee approved the approach to fire remediation work as set out in the report.

Agenda item 6.2ii
Paper Ref FEC/2/21/6.2ii
CONFIDENTIAL

Orders and Contracts

Minute Ref FEC/2/21/8

8.1 The Committee received the report and:

- i. Resolved to approve Option B as set out in the request to waive the Financial Regulations related to expenditure (competition waiver) in relation to fire stopping measures across the University's estate (CW157-RD);
- ii. Noted that the Chair of FEC would sign the competition waiver CW157-RD;
- iii. Noted that the University has completed the tender for waste management services in January 2021, awarding to Veolia ES (UK) Limited for General Hazardous, Clinical and Chemical waste. Details of the successful tender and the duration and value of the contract was stated in the paper FEC/2/21/6.2ii.

Agenda item 6.3
Paper Ref FEC/2/21/6.3

**Lease for Porter Brook Medical Centre, Surrey
Building**

Minute Ref FEC/2/21/9

9.1 The Committee received the report and a minute confidential to the Committee was recorded.

9.2 The Committee recommended approval of the lease to the Board of Governors. Details of the term of the lease and the rent were set out in the paper.

Agenda item 6.4
Paper Ref FEC/2/21/6.4
CONFIDENTIAL

**Atrium Refurbishment Project – Notice of
Chair's Action**

Minute Ref FEC/2/21/10

10.1 The Committee noted that the Chair had taken chair's action to approve a request to vary the scope of the Atrium project to increase the scope and budget to include the removal of

existing internal walls and replacement of these with certified fire compartmentation to provide enhanced assurance regarding fire safety measures.

Agenda item	6.5	Estates Development Report	Minute Ref	FEC/2/21/11
Paper Ref	FEC/2/21/6.5			
	CONFIDENTIAL			

11.1 The Committee received the report under its remit to monitor the implementation of the Financial and Estates Plans. The Committee noted the following:

- a. work on the atrium refurbishment had been stopped temporarily for two weeks following health and safety concerns.
- b. there were budget pressure in relation to Blocks A to D and consequently the University was seeking to reduce costs;
- c. Furnival Works refurbishment had been delayed as a result of sub-contractor failings;
- d. the campus plan acceleration assessment was close to completion and work was on-going to consider financing (including meetings with the banks);
- e. the University was entering into a licence with Yorkshire Water to progress the sewer diversion around the Science Park plot;
- f. damage to an existing data cable housed in a Sheffield City Council data duct, caused by a Council project, had required a project to re-route ICT cables to re-establish the resilience of the north route to Collegiate Campus. It was noted that due to the risk to business-as-usual activities the project had to be progressed. The University would review the impact on budget and scope of the main duct work project when the full scope of the duct work project was further developed. It was noted that a set of mitigations were in place in relation to data to Collegiate Crescent and a temporary 4G solution was available if required;
- g. work was ongoing to check and challenge current rateable values of all buildings. This had resulted in savings in business rates bills of in excess of £100,000 to date.

11.2 During discussion, the following points/comments were raised:

- a. the University took health and safety breaches very seriously and it was noted that the University's Health, Safety and Wellbeing Committee would be receiving a report to the matters which had resulted in the work on the atrium being stopped, including any further action to be taken. In particular, it was noted that a sprint group had been established to work through immediate improvements. Lessons would be considered during the procurement of new Minor Works framework;
- b. in order to identify who was on campus conducting work at any time it was proposed to introduce a gatehouse for contractors for signing in and out etc;
- c. was the University experiencing general upwards costs pressures? The University was not seeing general cost increases. However, increased cost of materials and delays caused by Brexit had been observed.

Agenda item	7.1	Equality, Diversity, and Inclusion	Minute Ref	FEC/2/21/12
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12.1 It was agreed that the item should be deferred and would either be (i) considered by FEC at the additional meeting to be scheduled to discuss the potential opportunity (minute FEC/2/21/5.4 refers) or (ii) directly to the Board. Option (i) was the preferred option.

Agenda item	7.2	Implications of UKVI/Brexit Arrangements	Minute Ref	FEC/2/21/13
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13.1 The Head Of HROD– Resourcing and Reward presented an update on the new UK Points-based system, including the potential impact on (i) current EU/EEA staff and (ii) recruitment of EU, EEA, and non-EU citizens. It was noted that:

- i. 'right to work' checks had been centralised into Human Resources and Organisational Development;

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- ii. the use of the Frontier Worker route, which allowed workers to be primarily based outside of the UK visiting their employer at least once in every twelve months, had specific risks including related to pension costs.
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13.2 In response to questions the following was noted:

- i. the University took compliance with UKVI requirements very seriously with continual review and reporting;
 - ii. the University had raised comments about the implications of the new processes via the UCEA consultation and was part of the UUK work on this area;
 - iii. the University was not permitted to specifically enquire of its current EU/EEA staff whether they had applied for settled or pre-settled status. However, it was communicating with staff to raise awareness of the need to apply and was offering legal support to staff.
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13.3 It was agreed to:

- i. share the presentation with members of the Board of Governors; and
 - ii. provide an update to FEC at either its July or September 2021 meeting.
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Agenda item 7.3
Verbal

Staff Surveys Update

Minute Ref **FEC/2/21/14**

14.1 The 2019 staff experience survey had resulted in six themes to be addressed. The University had subsequently commissioned an external consultant to run focus groups and a workshop on the bullying and harassment theme and a session was scheduled for ULT to consider this theme within the context of values and leadership. The ULT session would explore individual and collective responsibility including leading a culture which fostered dignity and respect across the University.

14.2 The University had run staff pulse surveys in April and October 2020 focusing on issues such as staff wellbeing and appetite to work from home in the future. It was intended to run a further pulse survey in spring 2021.

Agenda item 8.1
Verbal

Financial Performance Report: Period 6

Minute Ref **FEC/2/21/15**

15.1 The Period 6 report (to the end of January 2021) was being finalised with commentary and would be circulated to members as soon as possible. The University's financial position was better than forecast due largely to (i) better than expected student continuation rates (ii) a successful January 2021 recruitment leading to a higher than planned intake of students (largely international one-year postgraduate students – which would also have an impact on income in 2021/22) (iii) ongoing delay to capital projects resulting in a lower spend.

Agenda item 8.2
Paper Ref
FEC/2/21/8.2
Confidential 8.2

**Students' Union Financial Monitoring:
Period 6**

Minute Ref **FEC/2/21/16**

16.1 The Committee received the report and noted that the Students' Union financial performance in 2020/21 was better than in previous years largely due to lower spend on buildings and reduced losses from commercial activity. The SU would be working on the 'incorporation project' in March 2021 and the SU Trustee Board had asked the SU to undertake further research around the risks associated with incorporation to ensure they are fully briefed on this matter. The delay to the incorporation work had resulted in an underspend on this budgeted item to the end of period 6 – however, this spend would take place. The SU was working on an updated 2020/21 forecast which would be presented to the SU's Finance and Risk Committee and would also be shared with FEC in due course. The SU expected to end the year with a surplus, as the Coronavirus Job Retention Scheme grant claims, cost-savings from virtual events and savings on utilities, exceed the lost income from Commercial Services being closed and advertising revenue.

Agenda item 8.3 Paper Ref FEC/2/21/8.3 Confidential	Review of Treasury Management Policy	Minute Ref FEC/2/21/17
17.1 The Committee <u>received</u> the report and noted that minor changes had been made to the Treasury Management Policy via its annual review. The Committee <u>approved</u> the changes to the Treasury Management Policy and noted that the treasury management strategy was to be pursued.		
17.2 During discussion, a member noted that in relation to section II.A. of the Policy (on best value and performance measurement, page 14) the Bank of England and the Financial Conduct Authority were working with market participants to support the use of SONIA, the Sterling Overnight Index Average, as the predominant interest rate benchmark in sterling financial markets as markets transitioned away from LIBOR.		
Agenda item 9 Paper Ref FEC/2/21/9 Confidential	Investments Summary	Minute Ref FEC/2/21/18
18.1 The Committee <u>received</u> the report.		
Agenda item 10 Paper Ref FEC/2/21/10	Annual Business Cycle 2020/21	Minute Ref FEC/2/21/19
19.1 The Committee <u>received</u> the report.		
Agenda Item 11	Other Urgent Business	Minute Ref FEC/2/21/20
20.1 None		
Agenda Item 12	Date of Next Meeting	Minute Ref FEC/2/21/21
21.1 As agreed under minute FEC/2/21/5.4 and FEC/2/21/12.1 an additional meeting would be scheduled to discuss (i) the potential business opportunity – once a revised commercial offer was made - and (ii) EDI.		
21.2 The meeting on 19 May 2021 would be scheduled for 3 hours (including a formal 15-minute break). <u>Post meeting note</u> : the new meeting time would be 1500 to 1800.		