



CONFIDENTIAL

Board of Governors

**Minutes of the fifty-eighth meeting held on
Monday 3 September 2012**

Present:

Clive Jones – in the Chair
Syed Ali
Kathy Castle
Kay Dudman
Katherine Farr
Emir Feisal
Malcolm Gillies – Vice-Chancellor
Rob Hull
Maureen Laurie
Tony Millns (until minute 783.3(part))
Ann Minogue
Mark Robson

In attendance:

Nichola Carter, Penningtons Solicitors LLP
Richard Gordon QC, Brick Court Chambers
Steve Egan, Deputy Chief Executive, HEFCE (until
minute 783.3)
Derek Hicks, Regional Adviser, HEFCE (until minute
783.3)
Ayoola Onifade, Students' Union President (until
minute 783.3)
Paul Bowler, Deputy Chief Executive
Danny Hannibal, Assistant Director of Finance
Mark Harris, Deputy University Secretary (Board)

Peter McCaffery, Deputy Vice-Chancellor
Alison Wells, University Secretary
Jonathan Woodhead, Executive Officer

781 Welcome and apologies for absence

The Chair welcomed Nichola Carter, Steve Egan, Richard Gordon, Derek Hicks and Ayoola Onifade to the meeting.

Apologies for absence were received from Daleep Mukarji and Dianne Willcocks.

782 Declarations of interest

The Board noted the interest of Mark Robson as a member of the Board of HEFCE.

783 UKBA revocation of the University's 'Highly Trusted Sponsor' status

783.1 Outline view by HEFCE

Steve Egan was invited to outline HEFCE's view of the matter. He began by commending the Vice-Chancellor's leadership and handling of the situation, and the University's publicly expressed commitment to supporting its international students. He stated that the Funding Council wished to support the University's endeavours and to learn what lessons it could from the revocation.

Key points made by Steve Egan were:

- That HEFCE was aware of the work the University had done since the events of 2009 and saw the University as being on an improving trajectory, with the drivers for improvement still present.
- That a Task Force comprising representatives from the Department for Business, Innovation and Skills (BIS), Universities UK, the UK Border Agency, London Metropolitan University and the National Union of Students had been formed to support London Metropolitan University to find suitable alternative courses with other higher education providers for legitimate and appropriately

qualified students.

- That issues of curriculum and cost compatibility for international students wishing to transfer to other universities would need to be fully resolved as part of the proposed 'clearing house' arrangement.
- That HEFCE had been monitoring the international press for reputational damage to UK higher education and was making its own efforts to send positive messages about higher education in the UK.
- That HEFCE had been supportive of London Metropolitan and would continue to be so, but the precise form of that support depended on negotiations yet to take place.

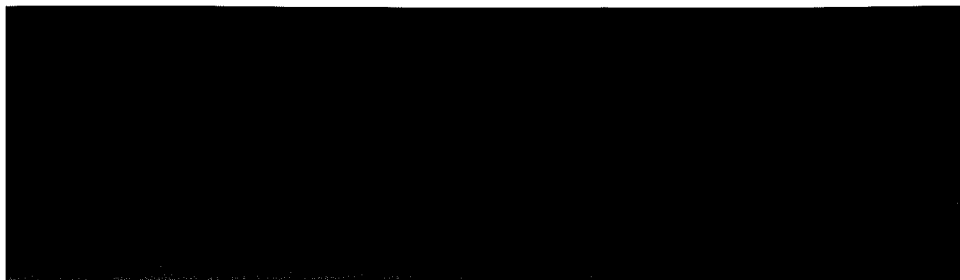
It was confirmed that Master's degree dissertations from international students could be marked without breaching the revocation and confirmation was awaited that their vivas could take place. It was requested that such determinations and other operational issues should be channelled through the Task Force, which would next meet on 5 September.

It was agreed that HEFCE would communicate with other universities, some of which were giving responses to students considering a transfer that were not consistent with the position emerging from the Task Force. Students would be advised to wait until the "clearing house" had been established, by which time there would be clarity and consistency on arrangements and criteria for transfer.

783.2 Revocation letter and legal advice (BG 58/1 and appendices 1 and 2)



Part minute redacted on grounds of commercial confidentiality (s.43.2); upheld by the ICO



[REDACTED]

Part minute redacted on grounds of commercial confidentiality (s.43(2)); upheld by the ICO

[REDACTED]

Richard Gordon QC then outlined the procedure that would be followed if the Board decided to challenge the revocation. This would be to seek permission for Judicial Review and to apply for Interim Relief, i.e. to suspend the effects of the revocation letter. He suggested that the central legal argument would be the fairness of the UKBA's decision, but that the legality of it might also be relevant, as might arguments associated with discrimination, human rights and the question of proportionality. The actual grounds for any application for Interim Relief would be developed further and refined in the next day or so, and this process of refinement and review would continue if the University proceeded to full Judicial Review. If the Board authorised legal action at the conclusion of the meeting, then a hearing for Interim Relief would be likely to be heard the following week. If the full Judicial Review hearing were expedited, it would likely be scheduled between October 2012 and January 2013.

The Chair then asked Steve Egan, Derek Hicks and Ayoola Onifade to withdraw, which they did.

783.3 Confidential discussion on legal proceedings

[REDACTED]

Part minute redacted on grounds of commercial confidentiality (s.43(2)); upheld by the ICO

[REDACTED]



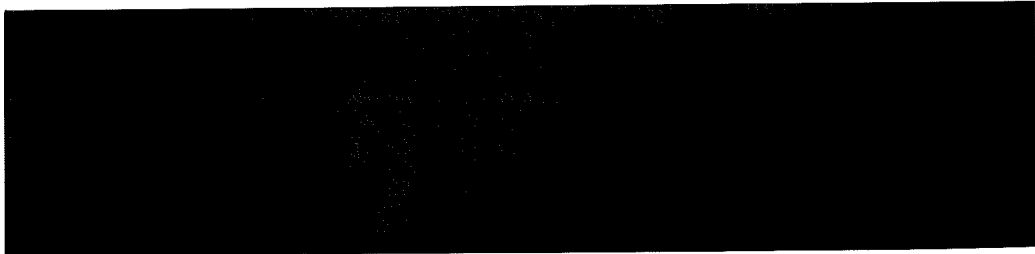
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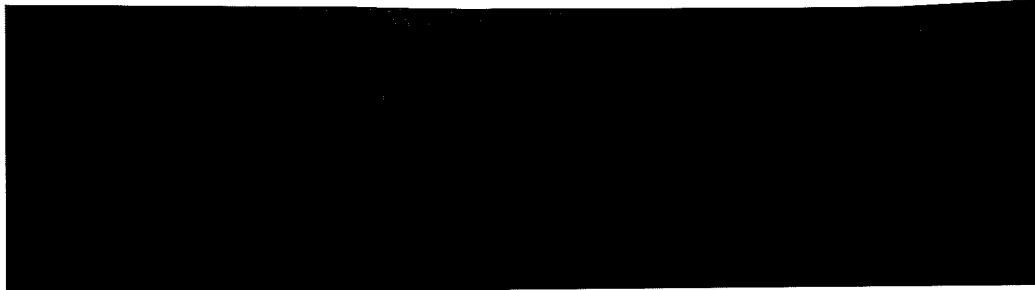
It was proposed that the Board authorise the commencement of legal action to challenge the revocation, with an initial budget of £250K, and with a complementary public relations strategy running in tandem with the legal action.

The Board considered the efficacy of setting up a small subgroup of the Board with delegated authority from the Board in instances where the executive needed prompt decisions from the Board. Clive Jones, Mark Robson, Rob Hull and Tony Millns were suggested as members of this subgroup, from which would also be drawn those governors who would meet with trades union representatives (with Paul Bowler).

784.4 Confidential discussion of finance (BG 58/1 Appendix 3)



Minute redacted on grounds of commercial confidentiality (s.43(2)); upheld by the ICO



Action: Pam Nelson, Director of Finance (on return)

784.5 Conclusion

The Board **unanimously resolved** to instruct Penningtons Solicitors LLP to commence urgent legal action challenging the revocation of the University's Highly Trusted Sponsor status.

The Board also:

- considered, amended and approved a press release announcing this decision, which the Vice-Chancellor and the Chair signed;
- agreed to establish a subgroup, the suggested membership of which was Clive Jones, Mark Robson, Rob Hull and Tony Millns, to oversee the legal action process;
- authorised the subgroup or any two of the four members to take any necessary decisions, subject to reporting back to the Board;
- suggested that a message should be sent to staff and students thanking them for their commitment to the University and the future of its students;
- suggested that there should be a priority meeting between Board members and representatives of the trades unions;
- declined to entertain the unions' suggestion that the shared services Initiative should be put on hold for the time being, but agreed that the forthcoming meeting of the Shared Services Oversight Group should be postponed.

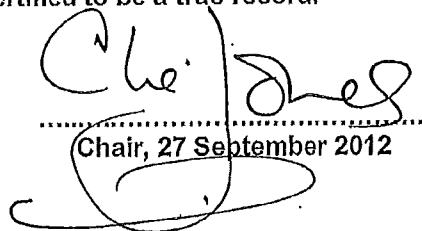
785 Date of next meeting

Thursday 27 September 2012 at 5pm.

786 Close of meeting

There being no other business, the meeting closed at 7.36pm.

Certified to be a true record:-


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Chair, 27 September 2012