UNIVERSITY COLLEGE CORK
NATIONAL UNIVERSITY OF IRELAND, CORK

QUALITY IMPROVEMENT/QUALITY ASSURANCE

PEER REVIEW GROUP REPORT

OFFICE OF CORPORATE AND LEGAL AFFAIRS

ACADEMIC YEAR 2009/10

12th November 2009

PEER REVIEW GROUP MEMBERS

The Peer Review Group for the review of the Office of Corporate & Legal Affairs comprised:

Ms Karen Goffin, Secretary of the Council, University of Kent, UK

Professor Kenneth Higgs, Department of Geology, University College Cork

Mr Mark Humphriss, University Secretary, University of Bath, UK (Chair)

Mr Seamus McEvoy, Head, Careers Service, University College Cork (Rapporteur)

TIMETABLE OF THE SITE VISIT

The timetable for the review of OCLA from 5th – 7th October 2009, (Appendix A) was determined by the Quality Promotion Unit in consultation with the Peer Review Group in advance of the review as appropriate for the task at hand. The Peer Review Group felt that it was useful to meet the senior officers of the University on the second day of the visit rather than the first as this allowed it to discuss issues and matters that had arisen on the first day from discussions with members and clients of OCLA. The Peer Review Group wishes to record its appreciation to the scheduled interviewees and to Mr. Paul Ryan, Employee Relations Manager in the Department of Human Resources in UCC, who made himself available at short notice. The Peer Review Group also records its view that it would have been interesting to meet representatives of campus companies in view of the contact between them and the OCLA but it accepted that this was not possible at short notice and it is not believed that such a meeting would have made any significant difference to its Report. The timetable allowed the Peer Review Group to have an opportunity to confer with Mr Michael Gleeson, Director of Strategic Initiatives, Trinity College Dublin, whose illness prevented him from being present at the review visit.

PEER REVIEW

Methodology

At its first meeting on 5th October 2009 the Peer Review Group appointed Mr. Mark Humphriss as Chair and Mr. Seamus McEvoy as Rapporteur.

The Peer Review Group worked throughout the process as a composite unit. All members were present for all interviews and deliberations. Particular responsibility for specific topics or tasks was not assigned to any individual member. However, the external members did, of course, bring their specialist knowledge to bear on many issues, whilst internal members were able to inform the external members of the structure, regulatory framework and other factors which impact on the operation and effectiveness of the University as an institution.

This Report was compiled in the following manner:

    i. On the evening of the first full day of the review, the Group agreed the broad outline of headings and initial findings for its Report on OCLA. The Group reviewed the Self-Assessment Report (dated August 2009) and OCLA's recommendations and drafted the Peer Review Group's initial comments on those recommendations. Topics requiring further enquiry with the senior managers scheduled for meetings the following day were also noted.

    ii. On the afternoon of the second day, when all interviews had been completed, the initial list of recommendations was expanded and modified to reflect the additional information gathered on that day. The general structure of the findings and recommendations of the Group were then communicated to OCLA staff at a final meeting that day.

    iii. The final detailed list of recommendations was agreed after that meeting. An outline structure of the report and introduction to the recommendations was agreed and noted by Peer Group Review members on the evening of the second day.

    iv. The Chair and Rapporteur of the Peer Review Group communicated a draft version of the final report to members by e-mail. Following corrections and amendments agreed by all the members, the Report was finalised.

Site Visit

All staff in OCLA (except one who was ill) were available for the review visit and responded positively and openly to questions from the Group. The Group found the site visit to OCLA Offices very useful. The Group expressed interest in visiting the Archives but the time allocated for the review did not permit a visit to the off-campus site where the archives are held and the Group did not regard this as essential to its review.

OVERALL ANALYSIS

Self-Assessment Report

- The Peer Review Group was very impressed with the content, detail and accuracy of material contained in the Self-Assessment Report. The information provided was well organised and presented and greatly facilitated understanding of the structure and operation of the OCLA.

- The Group found OCLA's Report to be generally comprehensive in terms of the breadth and depth of its activities and noted that its preparation had involved all OCLA staff. It felt, however, that outline job descriptions of OCLA staff would have been useful as part of the appendices.

- The Group noted that the staff questionnaire included some comments concerning staff morale but since these were not reflected in staff or other interviews this Report focusses on other operational issues.

- The Peer Review Group felt that recommendations contained in the Self-Assessment Report were, in general, considered and realistic. Each recommendation was individually considered by the Peer Review Group and, where appropriate, its conclusions are reflected in the findings and recommendations presented below. Matters which are not included, such as minor operational issues, were felt by the Peer Review Group to be outside its remit and to be appropriate for OCLA to address. The Peer Review Group noted some repetition of recommendations.

SWOT Analysis

The Peer Review Group felt that OCLA had made good use of the SWOT process to prepare its Self-Assessment Report. It was clear that significant thought had gone into the SWOT process and that a careful and detailed analysis of the outcomes had, in turn, informed the Self-Assessment Report. The Peer Review Group felt that the SWOT process had been undertaken seriously and it was pleased to note that it had involved all members of OCLA staff.

Benchmarking

The Peer Review Group felt that it was clear from the details and outcomes of the benchmarking process that OCLA staff had learned significantly from it. It was noted that as many staff as possible had participated in the visits and the work involved and the exercise had been very beneficial to OCLA preparation for the quality improvement process and in shaping OCLA's overall views on its operation and outputs. The Peer Review Group noted OCLA's view that it was under-resourced compared with the UK equivalent functions used for benchmarking.

FINDINGS OF THE PEER REVIEW GROUP

Unit Details

OCLA's Self-Assessment Report provided a thorough report of its work and operations but this could have been further enhanced by the inclusion of outline job descriptions.

Unit Planning and Organisation

OCLA's Self-Assessment Report provided a good description of its role within the wider context of the University and its internal structure.

List of Client/User Groups for the Unit

The list provided by OCLA was comprehensive although the Peer Review Group felt that some additional information on the relationship of the OCLA with campus companies would have been useful. The Peer Review Group asked to meet the Director of Human Resources during the visit to clarify interactions and relationships between OCLA and HR and in view of a recommendation in the Self-Assessment Report about the provision of employment law advice.

Service Standards

These were adequately covered in OCLA's documentation and deemed appropriate by the Peer Review Group.

Staff Development

This topic was covered in OCLA's Self-Assessment Report, including in the staff questionnaire. Queries relating to this area were answered satisfactorily during interviews with staff and are addressed in the Peer Review Group's recommendations below.

Unit Budget

OCLA's non-pay budget allocation was addressed in its Self-Assessment Report. Pay budget was discussed as a result of a request for additional information from the Peer Review Group. The Peer Review Group did not place significant emphasis on budgetary matters during the course of this review.

Unit Co-ordinating Committee & Methodology employed in the preparation of the Self-Evaluation Report

OCLA followed the guidelines set out by the Quality Promotion Unit and all staff were involved in the process.

Governance

OCLA has primary responsibility for governance matters across UCC but, as a relatively small unit, its own governance is straightforward.

Management

OCLA has only been fully operational in the last 12 to 15 months and in that time it has achieved a great deal. Its management structure and reporting relationships have been established and are being developed. The Peer Review Group agreed that there needs to be further clarification of roles and responsibilities within OCLA and considered that reporting lines should remain under review. During the visit the Group learned that a Risk Management Officer was about to be appointed and the University Health & Safety Office will soon report to the Corporate Secretary. As such additional staff join OCLA; its own governance will need to be reviewed to reflect such changes.

Services

The functions of OCLA, as given in its Self-Assessment Report (page 4), include:

- o **Corporate Governance** – Governing Body, Governing Body Committees; guidance on coherence in governance across the institution.
- o **Secretarial Matters** – including Governing Body administration and University subsidiary companies, legislation, statutes, regulations, rules.
- o **Management of the University's legal affairs** – advice, contracts, property, litigation, employment [in conjunction with the Department of Human Resources].
- o **Management of compliance** - with a broad spectrum of legislation such as Freedom of Information, Data Protection, Copyright, Ethics in Public Office Acts, Official Languages Act.
- o **Risk Management** – establishment and embedding of risk management across the University.
- o **University Insurance matters** – management of procurement, cover, claims, advice, litigation
- o **Archives and Records Management**

The views of all those the Peer Review Group met in the course of this review of OCLA were overwhelmingly positive. Strong confidence in OCLA's leadership and staff was expressed.

Administrative restructuring plans will see the University Health and Safety function transfer to OCLA and the transfer of a member of staff on redeployment to be Risk Management Officer. The Peer Review Group welcomed these forthcoming developments.

Staffing levels

These are deemed to be adequate for effective functioning of OCLA. The Peer Review Group noted, however, that there is pressure in certain roles and there is little, if any, scope to take on additional responsibilities or workload at the moment. There is a clear requirement for additional legal expertise in OCLA.

Accommodation

OCLA staff are located within close proximity to each other in the East Wing of the Main Quadrangle with the exception of staff in Elderwood on College Road. The layout of offices in the East Wing, with other units in offices separating OCLA staff, is not the most effective use of space from a teamwork perspective. The Peer Review Group thought that it was particularly ineffective for the Corporate Secretary to be several offices away from his PA. Such issues should be capable of being addressed at operational or UMT space committee level.

Financing

OCLA has a significant non-pay budget allocation due to high legal, rent and insurance costs but, in so far as the Peer Review Group could tell, this was adequate for its current functions. It was noted that the pay budget is restricted and there is little scope for increasing it in current economic circumstances.

Communications

OCLA holds a weekly meeting on Tuesdays attended by all staff. The Peer Review Group felt that this was valuable both for individual staff and the Office generally.

FINDINGS AND RECOMMENDATIONS OF THE PEER REVIEW GROUP

The Peer Review Group wishes to acknowledge the professionalism and dedication of the staff members of the OCLA. The quality of service which is realisable in such an office is ultimately dependent on the quality of individuals available to deliver that service. For this reason the Peer Review Group believes that the University is particularly fortunate in having assembled such an impressive team.

The Peer Review Group's analysis and comments on OCLA's work are based on a belief that any shortcomings are due to structural and operational constraints. The recommendations of the Peer Review Group are presented in the conviction that an excellent service can be made even better.

RECOMMENDATIONS FOR IMPROVEMENT

The Peer Review Group in the main accepts the recommendations made by OCLA in its Self-Assessment Report. Rather than comment on each recommendation individually, the Peer Review Group decided to take those recommendations that it felt were most appropriate and to use them as a basis for the development of its recommendations. In some cases the Peer Review Group has reworded OCLA's recommendations to a format that the Group felt was more appropriate to the objectives of this exercise. In a very few instances, the Peer Review Group has introduced a new recommendation. In some cases the Peer Review Group considered that the Self-Assessment Report tried too hard to identify a recommendation that had been raised by very few individuals in a questionnaire response which, on examination, the Peer Review Group did not consider to be a substantive issue. The Peer Review Group was also concerned not to saddle an office experiencing high workload with a more demanding list of recommendations than necessary.

The Peer Review Group's recommendations below take into account its consideration of the Self-Assessment Report prepared for the 2001 quality review of the Secretary's Office and the recommendations in the resulting Peer Review Report. It should be noted that during the intervening time period between both reviews, the roles and functions of the OCLA have altered significantly. The Peer Review Group bore these changes in mind when considering the recommendations in the 2001 report.

General Recommendations for Improvement

The Peer Review Group considered, having met with OCLA staff individually as well as collectively, that staff relations were stronger than aspects of the Self-Assessment Report might have suggested. It was conscious that the structure was very flat and that there would soon be two further reporting lines to the Corporate Secretary; in those few cases where staff did not report direct to the Corporate Secretary, the line manager had little functional responsibility for the work being done. In the longer term the Peer Review Group felt that this could usefully be reviewed. The Peer Review Group was, however, conscious that the last year or so had been a period of significant change and that consolidation was now important. Of greater urgency is the need to consider the provision of proper back-up for each function (where this does not already exist) to provide a better service when a member of staff is away, to avoid frustration when staff return from absences to find their work has not progressed, to ensure deadlines are met and to facilitate job enrichment. The Office carries out an important and wide range of functions and opportunities should be taken where possible (and without swelling its workload unduly) to raise its profile. The Peer Review Group considered that the website was good, but noted that some links were not yet complete and thought that it might be more efficient

to have a single webmaster with particular responsibility for it overall rather then the current split arrangements.

Governance and Governing Body

The present University structure is new and the Peer Review Group considered that the OCLA was well-equipped to help ensure UCC's governance structures were appropriate. Papers for Governing Body (GB) meetings are now circulated in better time but the Peer Review Group endorsed the discipline in the Self-Assessment Report recommendations. Those GB members the Peer Review Group met expressed themselves very content with the service provided by the OCLA and agreed that a secure website as a repository for papers would be helpful. The Peer Review Group considered that it was generally good practice for a Corporate Secretary to attend UMT(O) meetings (even if not a member of it) and for an audit committee to be serviced by the Secretariat (rather than by Internal Audit).

Staff

Six-monthly reviews appear to be well-received and so should continue. The Peer Review Group endorsed the value of both role-specific and more general training and development but it considered that some staff might be expecting management to go further than was realistic in identifying appropriate opportunities. It was important that staff recognised that they had some responsibility for their own development and hence they should, from time to time, take action to locate suitable opportunities for general or specific improvement. Co-location of offices would appear to be very desirable; the Peer Review Group considered it did not create a professional impression for the PA to the Corporate Secretary not to be adjacent to him and, for example, unaware of his visitors arriving and leaving.

Legal Affairs

The Peer Review Group received very strong commendations for the work of the Solicitor and for the decision to provide this resource in-house. Whilst nine months from appointment may be too soon to make a decision to retain this resource in-house, the Peer Review Group considered such a move to be entirely appropriate and that it would be expensive financially and in terms of lost expertise to revert; it advocates at the earliest opportunity the three year contract being made permanent. Further, having heard of the range and volume of legal work now being undertaken in-house and the working hours required to meet this growing demand, the Peer Review Group considers that an additional lawyer should be recruited, with employment law expertise. This ought to be fully fundable from savings in

the external legal budget, even if the new officer did not deal with complex tribunal cases, and should enable an even more effective legal service to be provided to UCC, including appropriate cover for absence. There should be clarity as to where all formal agreements are stored, whether in one place or (for example) a combination of the OCLA and the Research Office.

Compliance

The Peer Review Group agreed that Data Protection policies/ procedures were needed (but should be kept as straightforward as possible) and that periodically some briefing of staff on compliance issues was appropriate. An occasional email to all staff might be appropriate (the external Peer Review Group members expressed surprise that the ability to send these was not restricted to a very few staff). The Peer Review Group noted that 60 FoI decision-makers had been identified but most were never called upon and that appeal procedures involved a committee; this is a significantly more elaborate procedure than typically applies in the UK and the Peer Review Group fully endorsed the Self-Assessment Report's suggestion that efficiencies should be sought in how FoI is handled.

Risk Management

The Peer Review Group welcomed the appointment of a Risk Management Officer, which should substantially assist the process of embedding risk management. It stressed the importance of monitoring risks and agreed with the suggestion that proposals to the principal committees should be accompanied by a risk analysis, prepared and owned by the proposer but with input where needed from OCLA. The Peer Review Group also noted that business continuity/ emergency management did not appear to be handled and planned for in a coherent and structured way, and that this might increase UCC's vulnerability to significant disruption and reputational damage.

Archives/ Records Management

The Peer Review Group considered that UCC was well served by a full-time archivist and agreed it was appropriate that the availability of records management advice should periodically be communicated to staff.

Recommendations for Improvement

GENERAL

1. The process of clarifying roles and responsibilities within the OCLA should be continued and completed as soon as possible. This should include clarifying deputising responsibilities for the Corporate Secretary. Reporting lines should remain under review.

2. In the interests of staff development and the provision of cover, back-up for each role where this does not currently exist should be considered.

3. A handbook should be developed to provide OCLA staff with information on standard operating procedure, in particular with the information needed to fill in where necessary for another staff member.

4. Information on the Office non-pay budget should be available for the monthly OLCA staff meeting.

5. Opportunities should be taken to raise awareness of the services provided by OCLA (such as insurance and legal advice) and the general profile of the Office.

6. OCLA website links should be completed as soon as possible and consideration be given to the designation of a member of staff as webmaster with overall responsibility for OCLA's website.

GOVERNANCE AND GOVERNING BODY

7. OCLA should have an advisory role to colleges and schools on governance matters to help ensure consistent governance across the university.

8. Draft agendas for meetings of the Governing Body should be set by the Chairman and the Secretary, in consultation with the President, one month before the Governing Body meeting.

9. The deadline for submission of papers for Governing Body meetings to OCLA should be two weeks before the meeting to allow adequate time for circulation and consideration by Governors.

10. A secure website for Governing Body papers should be established.

11. Consideration should be given to the Corporate Secretary attending UMT(O) meetings in the interests of good governance.

12. Consideration should be given to the OCLA providing the secretariat for the Audit Committee.

STAFF

13. Existing individual staff six-monthly reviews with the Corporate Secretary should continue and include career development issues.

14. With appropriate management support and recognising budget constraints, staff should be encouraged to take personal responsibility for identifying appropriate training and developmental opportunities.

15. To enhance efficiency, consideration should be given to allocating adjacent offices to the Corporate Secretary and his PA and to other OCLA staff.

LEGAL AFFAIRS

16. The post of Solicitor should become a permanent core-funded post at the earliest opportunity.

17. Consideration should be given to the recruitment of an additional lawyer to provide advice to the University on employment law and more generally. This post should be funded from the legal services budget, the largest portion of which is spent on employment law.

18. The position in relation to the storage of all formal agreements should be clarified and communicated as appropriate.

19. Staff should be informed that all non-standard/bespoke research contracts and other agreements to be signed on behalf of the University should, as a matter of good risk management, be checked by the Office of Corporate and Legal Affairs before signing.

COMPLIANCE

20. Briefing on Data Protection, Freedom of Information and Copyright legislation should be provided periodically to all UCC staff.

21. Data Protection policies and procedures should be developed for UCC.

22. Existing FoI procedures should be examined to find ways of improving efficiency / response times.

RISK MANAGEMENT

23. The process of 'embedding' risk management in UCC should be further enhanced by the inclusion of regular monitoring and business continuity planning.

24. A risk analysis should be included as part of every proposal to the University Management Team [Strategy or Operations], Finance Committee and the Governing body, with the assistance where required of the Risk Management Officer.

ARCHIVES / RECORDS MANAGEMENT

25. Reference to Archives and Records Management should be added to OCLA's mission and vision (and similarly Risk Management and Health & Safety when appropriate). The availability of the University's database of archive materials and records management policies should be included on OCLA's website and opportunities should be taken to communicate these to the University.

APPENDIX A

OFFICE OF CORPORATE & LEGAL AFFAIRS

PEER REVIEW GROUP SITE VISIT
TIMETABLE

In Summary

Monday 5 October:	The Peer Review Group (Peer Review Group) arrives at the Kingsley Hotel for an informal meeting with the Director of the Quality Promotion Unit, followed by dinner and an informal meeting with staff members from the Office of Corporate & Legal Affairs.
Tuesday 6 October:	The Peer Review Group considers the Self-Assessment Report and meets with Corporate & Legal Affairs staff and stakeholder representatives. A working private dinner is held that evening for the Peer Review Group.
Wednesday 7 October:	The Peer Review Group meets with relevant officers of UCC. An exit presentation is given by the Chair of the Peer Review Group to all members of the Office of Corporate & Legal Affairs.
Thursday 8 October:	External Peer Review Group members depart.

Monday 5 October 2009	
18.30 – 19.00	Informal meeting of Peer Review Group members and Dr. Norma Ryan, Director, Quality Promotion Unit **Venue: Kingsley Hotel**
19.00 – 21.00	Dinner for Peer Review Group members, accompanied by Dr. Norma Ryan **Venue: Kingsley Hotel**
21.00 – 22.00	Informal meeting for Peer Review Group members, Corporate Secretary, Corporate & Legal Affairs staff and Director, Quality Promotion Unit *Corporate & Legal Affairs Staff:* Mr Michael Farrell Ms Ruth Horgan-Černy Ms Catriona Mulcahy Ms Hilda O'Keeffe Ms Catriona O'Sullivan **Venue: Kingsley Hotel**

Tuesday 6 October 2009	Venue: Tower Room 1, North Wing, Main Quadrangle *(unless otherwise specified)*
08.30 – 08.45	Convening of Peer Review Group
08.45 – 09.45	Briefing by Director of Quality Promotion Unit, Dr. Norma Ryan. Group agrees final work schedule and assignment of tasks for the review. Views are exchanged and areas to be clarified or explored are identified.
09.45 – 10.15	Mr Michael Farrell, Corporate Secretary
10.15 – 10.45	Tea/coffee
10.45 – 11.40	Group meeting with all Corporate & Legal Affairs staff Mr Michael Farrell Ms Sharon Harrington (absent - unwell) Ms Bridie Hartnett Ms Valerie Hill Ms Ruth Horgan-Černy Ms Anne Mallon Ms Catriona Mulcahy Ms Hilda O'Keeffe Ms Catriona O'Sullivan
11.40 – 13.30	<u>Private meetings with members of staff</u> 11.40: Ms Bridie Hartnett 12.00: Ms Valerie Hill 12.15: Ms Ruth Horgan-Černy 12.30: Ms Anne Mallon 12.45: Ms Catriona Mulcahy 13.00: Ms Hilda O'Keeffe
13.30 – 14.30	Working lunch
14.30 – 15.00	Visit to the core facilities escorted by Mr Michael Farrell and Ms Bridie Hartnett.
15.00 – 15.30	<u>Representatives of UCC Staff</u> Mr Crónán Ó Doibhlin, Boole Library Professor Dermot Keogh, School of History Professor Fred Powell, Dean of Social Studies
15.20 – 15.40	Professor Peter Kennedy, Vice-President for Research Policy & Support Mr Brendan Cremen, Director of Technology Transfer Office
15.40 – 16.00	Mr Mark Poland, Head, Buildings & Estates
16.00 – 16.45	Dr Geoff Steiner-Scott, Chair, GB Committee on Staff
17.00 – 18.30	<u>Representatives of external stakeholders</u>. Ms. Jennifer Cashman, Ronan Daly Jermyn Solicitors Mr. Rick Fitzgerald, Oran Group Mr. Edward Hanafin, Lisney Mr. John O'Callaghan, member of Governing Body Mr. John O'Flynn, Deloitte & Touche Mr. Gerry Ryan, Manager, Bank of Ireland, UCC Branch Mr. Peter Sreenan, Willis, Insurance Broker

	Venue: Staff Common Room, North Wing, Main Quadrangle
19.00	Meeting of Peer Review Group to identify remaining aspects to be clarified and to finalise tasks for the following day followed by a working private dinner for members for the Peer Review Group **Venue: Kingsley Hotel**

Wednesday 7 October 2009

<div align="right">Venue: Tower Room 1</div>

08.25 – 08.30	Convening of Peer Review Group
08.30 – 09.00	Mr. Paul Ryan, Manager, Employee Relations, Department of Human Resources
09.00 – 09.30	Dr Michael Murphy, President
09.30 – 10.00	Mr Dermot Gleeson, Chair of Governing Body
10.00 – 10.20	Professor Steve Hedley, Department of Law
10.20 – 10.35	Private meetings with staff members Ms Catriona O'Sullivan
10.35 – 11.00	Tea/coffee
11.00 – 11.15	Mr. Cormac McSweeney, Finance Office
11.30 – 12.00	UCC Governing Body members Ms Mary Steele Mr Frank McGrath
12.00 – 12.30	Conference call with Mr Michael Gleeson, Director of Strategic Initiatives, Trinity College Dublin (01-8961159)
12.30 – 13.00	Mr Michael Farrell, Corporate Secretary
13.00 – 14.00	Working lunch
14.00 – 17.00	Preparation of first draft of final report (tea/coffee at 15.30)
17.00 – 17.30	Exit presentation to all staff, made by the Chair of the Peer Review Group, summarising the principal findings of the Peer Review Group. This presentation is <u>not</u> for discussion at this time.
17.30	Members of the Peer Review Group to complete drafting of report and finalise arrangements for completion and submission of final report.