

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE JOINT INFORMATION SYSTEMS COMMITTEE
AND
THE CORE FUNDING PARTNERS**

Introduction

1. The purpose of this Memorandum is to specify the relationship between the Joint Information Systems Committee (JISC) and the relevant UK further and higher education funding bodies (the funding bodies). For the time being these are as follows:
 - Higher Education Funding Council for England (HEFCE)
 - Scottish Funding Council (SFC – funding both FE and HE institutions)
 - Higher Education Funding Council for Wales (HEFCW)
 - Department for Education, Culture and the Welsh Language (DECWL)
 - Department for Employment and Learning, Northern Ireland (DEL)

Where necessary, this agreement shall apply to any of the successor bodies to those listed above.

2. A secondary purpose of this document is to provide assurance to all parties that HEFCE, which currently hosts JISC, fully accepts its accountability responsibilities for the funding provided to it by the other funders for JISC. Where appropriate, the relationship between JISC and HEFCE is governed by an internal agreement for services.

Purpose of JISC

3. Through funding of services and the management of development programmes, the JISC aims to help and facilitate institutions, in the FE, post-16 and HE and Research Councils sectors (the JISC community), in their use of the Internet and other Information and Communications Technology (ICT) applications.
4. The activities of JISC are expected to:
 - support the strategic objectives of the funding partners;
 - give value for money;
 - demonstrably add value; and
 - show clear benefit from being performed by JISC rather than by others.

Status of JISC

5. JISC is not a separate legal entity, but a committee of all of the funding bodies. It has a Board, and a range of specialist committees reporting to the Board, whose members come from the JISC community, and which between them determine detailed policy. Its actions are carried out through its Executive, which is based at HEFCE's Bristol office and in institutions elsewhere.
6. JISC uses the services of HEFCE in order to employ JISC staff, and provide administrative support, including finance, human resources, IT, audit etc., for which there is an internal service agreement. JISC has been provided with a significant degree of autonomy in its management and operation by HEFCE, with appropriate oversight from HEFCE as required. Nothing in this Memorandum is intended to change this relationship between HEFCE and JISC.

The Relationship between the Funding Bodies

7. The nature of the relationship between the funding bodies in respect of JISC is one of mutual trust and a common acceptance of a shared responsibility to allow JISC to implement its agreed strategy in a way it sees fit. This approach is naturally subject to the proper oversight exercised by the funding bodies through the JISC Assessors. This approach also recognises that in any individual year, JISC expenditure by sector or country may not be reflected in the funding provided, but there is an expectation that over time this expenditure/funding position will fall into balance.
8. The parties to this agreement aim to develop the partnership between JISC and the funding bodies into one which will bring mutual benefit to the activities and development of the parties involved, and the sectors in which they operate.
9. This agreement covers the relationship between the JISC and its core funding bodies, which contribute towards its core programme and running costs. In addition, JISC has agreements with associate funding bodies which contribute only towards specific work programme areas, as outlined within their individual agreements, rather than across the whole spectrum of JISC activities.
10. These associate funding body agreements are covered by separate Memoranda of Understanding between the associate funding body and HEFCE, on behalf of JISC. At the time of writing, the JISC's associate funding bodies are the Learning and Skills Council and the UK Research Councils. The JISC Executive Secretary is responsible for the oversight of such agreements and will inform the core funding bodies of any potential new associate funding bodies as the need arises.

The Relationship between JISC and the Funding Bodies, and Determination of the Programme Budget

11. Having regard to the Corporate Strategies/Plans of the funding bodies, the JISC publishes a Three Year Strategy, which sets out its objectives (showing key dates, where appropriate), and how it intends to deliver them.
12. Each funding body nominates an assessor (known as the JISC Assessor) to provide the high level oversight of JISC from their own organisation's perspective. All of the JISC Assessors will meet regularly (at least twice each year) for this purpose; these meetings are known as the JISC Steering Committee. The terms of reference of this group are specified in Annex 1 to this Agreement.
13. The JISC Assessors do not always need to meet to make decisions; agreements made informally, e.g. by telephone or email, are considered acceptable, but JISC should retain a clear trail of how the decision was made.
14. Each funding body will allocate its own resources to provide additional oversight of JISC as it sees fit. How any additional oversight is managed internally within each funding body is not directly a concern of this Memorandum (with the special exception of HEFCE as payment authority), but there is an expectation of co-operation between the funding bodies where this makes sense.
15. Each funding body will provide annual guidance to JISC, based on its own letters of guidance from Ministers and on the JISC's Three Year Strategy, and giving general rather than detailed advice on JISC activities for the coming year. The JISC Executive and Assessors will discuss this guidance in order to reach consensus on the main priorities and to address and resolve any significant differences in priorities between the sectors of the JISC community, or particular issues affecting different territories within the UK. The funding bodies should seek to encapsulate their consensual guidance within a single composite letter to ensure that JISC is not faced with contradictory sets of guidance, although such a letter should still note any specific sectoral or territorial issues.
16. JISC will identify the ways in which each of its Committees and functional areas will contribute towards meeting the priorities in the composite letter, and agree proportions of total JISC funding to support the work of each Committee.

17. Each Committee will have an opportunity to reflect on these proposals, with iteration back through JISC and the Assessors. Each Committee will provide details of verifiable key milestones and deliverables in respect of all proposed allocations, to inform the assessors' decisions. This process will take place between August – December each year. The final draft of the funding recommendations will be endorsed by the JISC Board in December of each year.
18. Each funding body will then consider JISC's recommendations for future activities, and will approve a programme budget for the coming year, divided into headings for each JISC committee. In doing so it may consider the outcome of any milestones or deliverables specified for the preceding year. If a funding partner believes that there may be a problem in terms of funding levels, or a delay in confirmation of funding, they agree to notify the other funding partners in time for discussion at the December Steering Committee meeting.
19. Each funding partner will ensure that the funding recommendations are considered by the relevant authority in their country in January/February each year and will confirm funding to the March JISC Steering Committee and Board meetings at the very latest. Timely confirmation will enable the JISC Executive to confirm funding for the subsequent year to its services and projects.
20. The JISC Board may change its committee allocations during any year, by virement between committee headings, and each JISC committee may change any of its own budget sub-headings by virement between them. However, a total virement in any year in excess of 10% of the annual allocations of any of the JISC committees, or committee subheadings concerned, will require the approval of the funding bodies, or of the JISC Board, respectively.

JISC Programme Budget Payments

21. The JISC funding year will run from 1 August to 31 July for the core JISC budget.
22. JISC funding will be apportioned via a formula agreed by the funding bodies, whereby each funding body shall pay for a proportion of JISC's programme budget on an annual basis in a manner previously agreed. The formula will be formally reviewed at regular intervals, at least every three years. The JISC Executive will consider the apportionment of funding contribution between the HE and FE sectors, and between the FE funding bodies. For the foreseeable future, the HE funding bodies will continue to contribute towards the HE sector portion of the JISC budget along the percentages previously agreed (HEFCE 81%; SFC HE 12%; HEFCW 5%; DEL HE 2%).
23. Additional funding outside the formula system is permitted by agreement and the funding bodies may request that JISC manage capital funded initiatives, as the need arises. Each funding body will endeavour to notify the other funding bodies of any forthcoming capital programmes, to help aid planning and consistency. Any capital funding provided to the JISC is governed by the JISC Capital Governance Framework and is treated separately to the JISC core programme budget. The funding year for capital funding will run from April to March.
24. The JISC programme budget agreed by the funding bodies each year commits each of them to pay their formula based share of the budget to HEFCE for use by JISC. Payments will normally be made monthly by BACS to HEFCE, with a year-end final reconciling payment. The year end reconciliation will include accruals of any outstanding invoices expected for activities carried out but not received before the close of the budget. By exception, some of the expenditure may be spent locally (ie. some funding may be made directly by a funding body to an institution within its territory) and this expenditure offset against the balance due from the relevant funding body.
25. Where, at the end of any budget year, it is found that the total JISC programme budget allocations are underspent, then, up to 2% of that total will, at the request of the JISC, be automatically carried forward to the next year's budget. The carry forward will be allocated to committee budgets as appropriate to carry out new activities not included in the funding recommendations. Specific approval of the funding bodies will be required for any carry-over of funds beyond 2%, or for the subsequent carry-over of any unspent funds more than 12 months beyond the end of the year in which they were first allocated.
26. Subject to ongoing government approval, HEFCE will operate a separate bank account for JISC activity. This bank account will be operated to HEFCE standards. It will be reconciled at least

quarterly. On an annual basis, the balance due to or from each funding body will be ascertained and payment made to or from HEFCE promptly once agreed.

27. Subject to continuing agreement between the parties, HEFCE will make payments on behalf of JISC (at JISC's request) to HE institutions and FE colleges throughout the UK.
28. Any funding body may request information about the JISC financial position from HEFCE at any time and for any purpose. HEFCE may request any information from JISC and the other funding bodies in connection with its accountability obligations.

JISC Running Costs Budget

29. The running costs of the JISC Executive employed by HEFCE (including salaries, travel and subsistence, office services, etc.) are shared equally between the funding bodies. The running costs are reported as part of the overall JISC budget which is apportioned by the agreed formula. Each funding body's contribution to the JISC programme budget is adjusted to take account of their share of running costs and ensures that no funding body pays any more than their agreed budget for the overall JISC budget.
30. The running costs allocation is subject to HEFCE's own financial controls. However, in setting this allocation, HEFCE shall consult with the other funding bodies, and should not impede the ability of the JISC to achieve programme objectives set by joint decisions of the funding bodies.

JISC Staff

31. JISC staff working on HEFCE employment contracts will be subject to HEFCE's terms and conditions of employment and HEFCE's policies and procedures, except where HEFCE agrees otherwise.
32. JISC staff employed on its behalf by institutions will be subject to the terms and conditions of employment of the institution concerned, and that institution will provide line management support for those staff, except where agreed otherwise.
33. JISC staff are entitled to expect reasonable co-operation from all of the funding bodies in carrying out their work, including making facilities and resources available if appropriate. Where reciprocal arrangements are made, the staff concerned will be required to abide by the regulations, policies and procedures of the host funding body whilst working in the host funding body's premises.
34. Appointments to senior posts in JISC, defined as the Executive Secretary and Group Heads, shall be made under arrangements approved by the JISC Remuneration Committee, in consultation with the funding bodies. Pay for senior posts will normally continue to be determined under HEFCE's arrangements.

Additional Expenditure

35. JISC will seek approval through the JISC Steering Committee for anticipated additional expenditure requirements, special initiatives or other developments arising within JISC (or UKERNA). Such requests should be made in good time. The funding bodies cannot guarantee that any such request will be granted.

Internal Control

36. In managing the financial affairs of JISC, both JISC and HEFCE will ensure that a satisfactory system of internal control is in place, and in such a way as to avoid significant over or underspend on JISC's budget wherever possible. JISC will operate its financial affairs to HEFCE standards of propriety at all times.
37. Subject to the requirements of the Freedom of Information Act (2000) and the Freedom of Information Act (Scotland) (2002), JISC's financial accounts and related information shall be regarded as confidential to all of the funding bodies. However, this information will be open to inspection by HEFCE's Audit Committee, the HEFCE Assurance Service, HEFCE Finance, the National Audit Office, and any other body or person to whom HEFCE is required to make disclosure under rules and procedures relating to public accountability. HEFCE will inform JISC

when financial information is passed to any such body. The other funding bodies may also ask for information for similar purposes, but will normally rely on HEFCE to provide the necessary oversight.

38. If, in HEFCE's view, JISC is not fulfilling the terms of this Memorandum or managing its financial affairs satisfactorily, HEFCE reserves the right to withhold part or all of the funding due to JISC. This will only occur if it is considered by HEFCE appropriate and reasonable to do so to safeguard public funds. In this event, HEFCE shall advise JISC and the other funding bodies of the action taken. JISC shall be given due notice by HEFCE of its proposed actions and an appropriate period for remedy.

Audit

39. HEFCE may from time to time by prior arrangement visit JISC for audit purposes, and JISC shall provide all necessary assistance to meet any reasonable request arising from such audit work. Notwithstanding this, JISC shall maintain an Audit Committee and an internal audit service to Treasury standards on which the HEFCE Assurance Service will normally seek to rely. The other funding bodies may also request to conduct audit work on JISC activity, but will normally seek to rely on HEFCE for the necessary assurance.
40. JISC undertakes to give appropriate consideration to audit recommendations made by HEFCE or from other relevant sources.
41. The HEFCE Assurance Service will provide information to the other funding bodies on JISC audit matters on request, subject to consultation with JISC.

Data Protection Act

42. HEFCE assumes the responsibility of Data Controller, on behalf of JISC, for all data held as a result of the activities of either
- the JISC Executive, or
 - JISC-funded services which are not registered as Data Controllers in their own right.
43. The JISC Executive will nominate a member of staff to act as DP Officer who will act as liaison with the HEFCE DP officer; and will undertake any work necessary as directed by the HEFCE DP officer to comply with the Data Protection Act 1998.

Freedom of Information Act

44. It is the responsibility of each funding body to make appropriate reference to the JISC within their individual Publication Schemes. The JISC Freedom of Information policies and guidance has been developed based on that used by HEFCE (this is covered under a separate agreement between JISC and HEFCE). Requests for information received under the terms of the Act which relate to the activities of the JISC may be transferred to the JISC Executive for answering in accordance with the provisions of the Act. In addition, the JISC will assist its funding bodies in dealing with any requests by making records available to enable them to respond.

Equal Opportunities and Diversity

45. Recruitment of JISC staff and nomination of committee members are covered by JISC's equal opportunities and diversity policies. Members of committees are selected according to the balance of skills, knowledge and experience which has been identified as being needed. Applicants from all backgrounds are encouraged to apply.
46. The JISC Code of Best Practice for staff and committee members is based on a model code issued by the Treasury to ensure observance of the highest standards of impartiality, integrity and objectivity in relation to the stewardship of public funds and management of the Executive.

Members of JISC Board

47. The JISC Board is made up of members from the JISC community to ensure a balance of skills, knowledge and experience. The number of members appointed by each funding body is loosely

based on their percentage funding contribution. There are six members representing HE in England; three representing HE in Scotland; one each representing HE in Wales and Northern Ireland, and one each representing FE in Scotland, Wales and Northern Ireland. Under the new associate funding body MoUs, there will be one member representing FE in England and one member representing the research community. The JISC Assessors from each of the funding bodies and associate funding bodies attend JISC Board meetings. Further details of the current JISC Board membership can be found at: http://www.jisc.ac.uk/aboutus/committees/jisc_board/members

48. When a vacancy arises on the Board, the appropriate funding body should discuss with the JISC Chairman and Executive Secretary to ascertain the gaps in skills matrix and knowledge base on the Board, and then should follow its own internal procedures for selecting members. Each funding body would be responsible for ensuring its selection procedure meets all diversity and equal opportunity policies.
49. The JISC Nominations Committee is responsible for proposing new members for the JISC sub-committees to the JISC Board in the context of the JISC Strategy and obligations.
50. JISC Governance Procedures are described in the JISC Members Handbook and provide an overview of the roles and responsibilities of members and assessors on the JISC Board and other JISC committees.

Term of this Agreement

51. This agreement shall run until further notice, but shall be due for review every three years. The first review will be due by 1 August 2010. All parties will be entitled to participate in each review.

Termination

52. This Agreement may be terminated by mutual agreement of JISC and the JISC Assessors acting on behalf of the funding bodies, or by one or other party subject to notice of not less than twelve months being given and to the fulfilment by both parties of all agreed obligations at the time notice is given. This includes any obligations attached to UKERNA's operations.

Disputes

53. In the event of any dispute arising out of or in connection with this Memorandum the parties will in good faith seek to resolve that dispute using a method acceptable to all relevant parties. Where not all of the funding bodies are involved and the dispute cannot easily be resolved, the matter may be referred to the JISC Steering Group for advice.

Nominated Officers and First Contacts

54. JISC and each funding body shall nominate a senior officer to represent their organisation on JISC matters for routine purposes. For the funding bodies, this may or may not be the JISC Assessor. Each such nominated officer may allocate the work to another member of staff as the first contact.
55. At the time of this agreement the contacts were as follows:

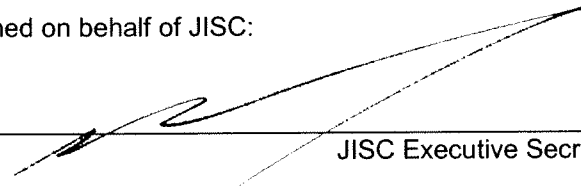
Organisation	Nominated Officer	First Contact
JISC	Malcolm Read, Executive Secretary	Dave Cook, Head of Policy and Corporate Services
HEFCE	John Selby, Director of Widening Participation	Ian Gross, Head of Internal Audit
SFC	Bill Harvey, Deputy Director, Learning and Teaching	Bill Harvey
HEFCW	Frances Good, Head of Statistics and Information Services	Frances Good
DECWL	Christine Major, Senior Learning Policy Manager	Christine Major
DEL	Marian Cree, Head of Learning and Curriculum Policy	Marian Cree

56. This Memorandum shall be signed by the JISC Assessors and the JISC Executive Secretary.

57. This Memorandum shall take effect from 1st August 2007.

Signatories

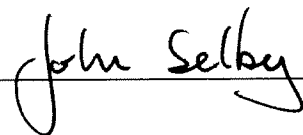
Signed on behalf of JISC:



JISC Executive Secretary

12 June 2007
Date

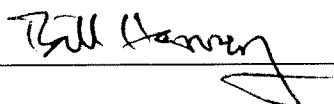
Signed on behalf of HEFCE:



Assessor

12 June 2007
Date

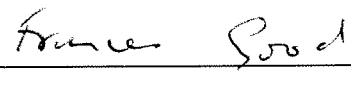
Signed on behalf of SFC:



Assessor

12 June 2007
Date


Signed on behalf of HEFCW:



Assessor

12 June 2007
Date

Signed on behalf of DECWL:



Assessor

12 June 2007
Date

Signed on behalf of DEL:



Assessor

26 June 2007
Date

Annex 1:

The JISC Steering Committee

The Steering Committee oversees the activities of the JISC Board, and provides guidance to the JISC Chairman and the Executive Secretary on government and funding council priorities and expectations.

It is made up of officers (known as assessors) nominated by each funding body. Each member must have sufficient authority, or direct access to sufficient authority, to be able to commit their own organisations to action and to the use of financial or other resources in respect of JISC. The Steering Committee members operate on the basis of mutual trust, equality of status and a shared responsibility for JISC as a whole.

The Steering Committee members include one member from each funding body and one member from each associate funding body. The Committee also has a DfES Observer and will be serviced by a JISC officer. Where an assessor cannot attend, the funding body may send an "alternative" to Steering Committee meetings.

The Chair of the Steering Committee is held on a rotating basis.

Following each meeting, the Chair will give a verbal report to the subsequent JISC meeting, which generally follows the Steering Committee meeting.

Terms of Reference

To oversee the activities of the JISC Board.

To provide guidance to the JISC Chairman and the Executive Secretary on government and funding council priorities and expectations, funding issues, and general policy advice.

To advise on and endorse the submission of the annual JISC funding recommendations to their respective funding bodies.

To meet at least twice a year (usually once in late spring to review JISC's activities and once in early autumn to inform the next funding recommendations) and otherwise as appropriate.

