

Dear Prof. O'Connor, Prof. Devlin and Prof. Ladley,

On 31 March those at risk of redundancy at University of Leicester School of Business (ULSB) received an email from Prof. Henrietta O'Connor which included an Annotated Addendum to the Case for Change document. This document attempted to respond to the serious concerns raised about the redundancy process in ULSB thus far, including our 'Collective statement and feedback on the consultation process at ULSB' of the 3rd of March. The present letter outlines in what respects the responses provided in the Addendum are unsatisfactory. To do so, we also draw on later developments including the outcome of review panel letters and the second group consultation meetings.

Our view is that many of the responses provided in the Addendum are either obfuscatory reassertions of what has already been decided and/or give rise to major logical inconsistencies that further strengthen the case against these efforts to enforce compulsory redundancies of academic staff at ULSB. We proceed with our responses to this Annotated Addendum to the case for change in the order that they were presented in the document. But first, we note that you fail to address point 4. of our Collective Statement of the 3rd of March on 'Absence of transparency of method' and we have still not been provided with any explanation of the method used to judge whether a publication was in CMS /PE beyond an expression of belief or feeling.

a. Consistency of people involved

While in the Addendum it is suggested that having one person involved in the scoping exercise throughout, the Deputy Dean of the School, ensures the 'necessary clarity and consistency'. To be a meaningful consultative process about a complex academic scoping exercise - which must have involved a vast amount of reading, as well as a series of difficult and attuned academic judgements about whether a particular publication of a particular individual fits a particular defined research area, and an additional qualitative judgement about whether their overall body of work fits a particular (which at least until the 8 April document was defined in qualitative rather than quantitative terms) threshold of 'primarily' - a greater level of consistency of the people involved would clearly have been beneficial.

The majority of us did not have any opportunity in our first individual consultations to discuss the scoping exercise with the Dean of the School who was apparently one of the two key actors that undertook the scoping process. The outgoing Pro-Vice Chancellor of Research, Lisanne Gibson, was the senior management representative in most of the first individual meetings but was not involved in the review outcome meeting, which is a far from ideal situation.

Similarly, despite several of us asking in the individual consultations, or in written communication what the composition of the review group was, we were not given this information until 11th of March. The disclosure of the composition was refused before, although the review group had scheduled meetings on the 5th and 8th March. This disclosure just happened because of our intervention. Before, the Deputy Dean declared on the 10th of March that 'the details of the group (including who it comprises) will be available on Friday this week.'

Furthermore, it took 24 days from the first of two second collective consultation until we received the ‘redacted minutes’ from the two meetings of the Review group. The document provides no information on the participation of different members of the group in a discussion of our work and it is unclear if there was a discussion at all. In addition, we have been told that the review group did not read the individual papers but simply looked at the notes provided (which on the basis of the Outcome of Review letters were extremely short, cursory and in many cases misleading). Moreover, it is unclear if the review group will meet again or if their existence was just a short episode in the whole consultation process.

The Pro-Vice Chancellor and Head of College, Henrietta O’Connor, was involved in the review meetings and sent us the review outcome letters despite not being directly involved in the scoping exercise or the individual consultations, and apparently not having read the papers (as we were informed in the second group consultation meeting). So greater continuity of the people involved in our view was necessary to ensure fairness and objectivity throughout the process, and genuine and meaningful consultation, which the University leadership team has singularly failed to provide.

Many individuals were involved in the process at different stages, a number of those who were involved – the Pro-VC of Research and the Pro-VC and Head of College of Social Sciences - had apparently not actually had the opportunity to read the papers (for which academic judgements were apparently made around them being in a particular defined area, this being the key basis for identifying individuals for redundancy), so they were thus not in a fully informed position to comment in an objective manner on the fairness of the process.

b. Definition and criteria for selection in the redundancy pool

In the Addendum, the definition provided in the Points for Clarification is defended on the grounds that Alvesson and Willmott are often located at the ‘genesis of UK CMS’, this would indeed be the case if the reference was to Alvesson and Willmott (1992) *Critical Management Studies*. However, what is cited in the Points of Clarification is a different work: Alvesson, M., Bridgman, T., and Willmott, H. (2011) Introduction, *The Oxford Handbook of Critical Management Studies*. Oxford University Press. In addition, the arbitrary nature of the definitions used is illustrated if one compares these institutional definitions with the sources from which they are supposedly taken. As the table below clearly demonstrates, the definitions outlined in the Points of Clarification constitute misappropriation and selective readings of the original sources cited:

<i>Institutional Definition of CMS (University of Leicester School of Business)</i>	<i>Original Quotes</i>
Critical management studies was characterised as the range of alternatives to the study of management that have, in common, a deep scepticism of prevailing conceptions and forms of management and organisation (Adler et al. 2007)	‘Critical management studies (CMS) offers a range of alternatives to mainstream management theory with a view to radically transforming management practice. The common core is deep scepticism regarding the moral defensibility and the social and

	ecological sustainability of prevailing conceptions and forms of management and organization’ (Adler et al. 2007)
At the core of CMS is a profound questioning of the authority and relevance of mainstream management thinking and practice (Alvesson et al. 2011)	‘Critical management studies (CMS) has emerged as a movement that questions the authority and relevance of mainstream thinking and practice.’ (Alvesson et al. 2011)
We also noted that mainstream business education has been characterised by CMS scholars as irrelevant and falsely justified as being “practical” and “business relevant” (Parker 2018:16).	‘The b-school is described by two CMS insiders as ‘a cancerous machine spewing out sick and irrelevant detritus, justified as “practical” and glossed up as “business relevant”. [...] It extorts fees from the middle and upper classes so that it can stamp their offspring with a passport into corporate sleaze, mortgage slavery, burn-out, stress, overwork and repression.’ (Parker 2018: 16)

Furthermore, none of these definitions (neither the institutional ones provided in the Points of clarification and the Addendum, nor those in the original sources), mention ‘opposition to management’ as a defining feature of CMS. Yet, this is how the Pro-VC and Head of College defined CMS in our Second Group Consultation (we have a verbatim quote from Professor O’Connor in our second collective meeting of the 17th of March suggesting that ‘one can adopt a critical perspective to any subject matter that’s not the definition of critical management studies having a critical approach to something the difference for me is that critical management **is fundamentally opposed to management** so that’s a different starting point to me than other types of critical research’).

Two points follow from this articulation of CMS. Firstly, that being critical and CMS should not be conflated, and secondly that ‘the opposition to management and the devaluing of mainstream management education’ is central to CMS. This articulation of CMS is problematic on both counts. In the notes we received in our outcome of review letters, being critical and CMS were conflated by the review group since the former was taken as proof of doing CMS. For example, in these letters we have been told that individuals have work that is deemed to be CMS/PE because it is published in a particular journal that ‘has the word critical in the title’, or because it is ‘critical analysis of contemporary global capitalism’, or it presents a ‘critique of the emerging orthodoxy within organisational theory’. In sum, while it was acknowledged that being critical was not the same as doing CMS in this addendum as well as in the second collective consultancy meeting, in the Review Outcome Letters the word ‘critical’ (in the name of a journal where one published, or in the approach one takes) serves as criterion. Publishing in a journal with critical in the title, is categorically not the same thing as being opposed to management (which is apparently a defining feature of CMS in the definitional iteration provided in the second group consultation).

There is no mention of any our work deemed to be CMS in the outcome of review letters being evaluated as such because of it being against management or because of it devaluing of mainstream management education. Nor do the journals which have been deemed to publish CMS work take an anti-management stance. For example, pieces being published in *Organization* (a widely respected critical and interdisciplinary journal) have been signposted as work taking a CMS perspective. Yet, *Organization* in its journal description nowhere stresses any 'opposition to management' or that it seeks to devalue 'mainstream management education'. Rather it seeks to 'foster dialogue and innovation in studies of organization' and it is explicitly 'open, reflective, imaginative and critical'. This is nothing like the definition of CMS provided in the Addendum to the Case for Change, in which 'opposition to management' is a defining feature, in fact it is completely at odds with it. Yet publication in said journal is still said to provide a basis for determining whether a given piece of work is CMS, according to said definition.

In the Review Outcome Letter another category of work was introduced, which was that of alignment with the School's (currently unpublished) strategic plan. This broader strategic plan remains confidential, but researchers are expected to be aligned with it despite it not previously being shared. We have been provided with a short outline of the areas of strategic focus in the Outcome of Review Letters and there is an even briefer description of the strategic plan in the business case. The business case refers to a need to enhance the School's research profile in 'quantitative skills' and 'data analytics' but the areas of strategic focus in the Outcome of Review letters are broader and include: 'innovation and entrepreneurship' and 'sustainability, international business and the business environment' as long as they are researched from mainstream, non-CMS perspectives (we have subsequently been informed in the second group consultation that mainstream actually means non-CMS and thus does not add anything to the description). What we have seen then is the introduction of new criteria around strategic alignment which must have been introduced after the initial scoping for redundancy exercise (since it is not outlined in the business case and was not presented to us in the first individual consultations). This provides further evidence that this is not a consistent process, and that new and shifting criteria have been adopted at different stages.

The response regarding the definitions of political economy is so cursory it beggars belief from any reasonable scholarly and academic perspective. Quote: 'Even those somewhat critical of the CMS perspective offer ostensibly the same definition. The same applies to PE.' As academic practice this is extraordinary in its inadequacy. There are many different conceptions of political economy from a wide range of perspectives outside CMS, the origins of political economy date back at least to the 18th Century and the work of Adam Smith and David Ricardo. It is a vast and diverse research area that encompasses a broad range of economic theory, and many of the greatest economic thinkers and organisation and management theorists, such as Max Weber (who also work outside a rational choice tradition). This point has been completely ignored in the Addendum to the Case for Change. Furthermore, a research interest in political economy is seen as supporting the case for redundancy a priori, despite the vast swathes of literature that approach political economy from a non-CMS and non-rational choice perspective. Furthermore, none of us who referred to political economy as a research interest were thinking of Paul Adler's restricted CMS

centred definition of political economy, which is (we have been told) the form of political economy ULSB is seeking to divest from.

In short, the definitions of CMS /PE and the criteria used for placing us at risk of redundancy are shifting and slippery. We have evidence of three different definitions of CMS: the first definition provided in the Points of Clarification of the 1st of February rests on misappropriation of original sources; in the Addendum and second collective consultations, opposition to management and mainstream management education was added as a defining feature of CMS; in the Outcome of review letters, failing to align with the new strategic priorities was added as a criterion for being placed in the pool, as well as publishing in journals with 'the word critical in the title'. Throughout the process, there have been contradictory claims about the relationship between 'critical' and CMS; being 'critical' has been said to be different from CMS and thus acceptable but has also been taken as grounds for having one's work classed as belonging to CMS and thus unacceptable. This clearly highlights the inconsistency of the definitions used at different stages thus seriously compromising the fairness and objectivity of the redundancy process, as required by the redundancy ordinances.

c. Clarity concerning the basket of indicators uses

A key concern that has been repeatedly stressed which is not referred to in this Annotated Addendum is what is the threshold of primarily? For the exercise to be fair, objective, and replicable there must be a quantitative basis for primarily. Simply stating there is a basket of indicators while providing no indication of weighting simply repeats the problem rather than resolves it.

We were told in our second group consultation that the threshold of 'primarily' doing work in CMS/PE as defined in the Points for Clarification document was based on what a 'reasonable person' would judge to be primarily. But this invocation of the 'reasonable person' is inadequate and does not answer the question at hand from a legal perspective for two principal reasons:

First, because this is a matter of applying specific academic definitions of political economy and CMS to research outputs to determine whether outputs 'primarily' are of such form and content that they accord with such definitions. This necessarily requires substantial relevant academic expertise to be done properly and accurately. Thus, from a legal perspective, the reasonable person proviso is not applicable in this case.

Second, there are overwhelming grounds to suggest that a reasonable person would adopt a reasonable definition of primarily as it is commonly understood. The Oxford English definition of primarily is 'for the most part'. Yet in a significant number of cases 50% percent of outputs or less are judged to fit the definitions of CMS/PE provided.

In your more recent clarification document, you speak of 'primarily' as referring to a relative, not absolute majority of works in areas of divestment, therefore you say it does not have to be 50%, just the 'largest single coherent body of work'. In this you open a whole new set of problems: namely, how can you judge what is a single coherent body of work.

You already assume CMS and PE as connected, and count them together, even though they are given separate definitions in the Points for Clarification document and in the Review Outcome letters our previous work in scope for redundancy is classified as *either* CMS *or* PE rather than CMS *and* PE. Then you add, in some cases, other works outside of the strategic priorities (which are part of a confidential, as yet unpublished, strategic plan), these are taken together. But all the work you deem unproblematic is separated out into distinct areas. This makes neither legal nor logical sense. Either you separate out all different coherent aspects of work, or you group them into non-aligned and aligned. But you cannot do it one way for the non-aligned work, and the other for the aligned work.

What is more is that the 'mention' of CMS or PE in the Author Bio or as a research interest in publications is used as indicator in the basket. It looks like it is sufficient for the Review group to name CMS or PE in one or two outputs to support the claim that our research is 'primarily CMS/PE'. This, again, indicates a clear failing to meet a reasonable person's likely conception of researching 'primarily' in a particular loosely defined area.

d. Clarity of the scoping exercise

This leads to serious concerns about transparency – we have seen no credible or clear evidence presented thus far that this was a fair and objective process. Our publications have been dealt with in a very cursory manner with expeditive one sentence judgements on their putative CMS or PE perspective, with no evidence or explanation provided to support these claims. No notes exist about the 'initial screening exercise' (although on the 21 April, halfway through the second set of individual consultations, we were told that a confidential data matrix had been constructed as part of the first screening exercise). Notes provided in the Outcome of Review letters were extremely short and limited, which included identification of publishing in particular journals, as evidence of primarily researching in CMS/PE. In one case an article in *Critical Perspective on Accounting* was included because the journal had the word critical in the title. This highlights a serious lack of thought and engagement with our work and a serious lack of transparency. Since the fact that a journal has the word critical in the title surely does not mean that all authors in said journals take a critical management studies or CMS related political economy approach and are 'opposed to management'. Clearly one can be critical of accounting practice without being 'fundamentally opposed to management' – which is what we were informed was a key part of the definition of CMS in the second group consultation.

e. Impact on ECRs

The cursory response to the discrimination against ECRs is in essence that the 'outcomes were not determined on the number of outputs'. But if this University was serious about helping the research development of early career academic staff and was attentive to the development of staff reputation and research profile, putting ECR researchers in a redundancy pool on the basis of in some cases a couple of previous publications is extraordinarily poor practice. Surely a more productive approach would be to work with these staff and support their emerging research profile, so that it is in alignment with the School's (thus far confidential) strategic focus in future. Research foci are malleable and shifting entities, the fact that the senior leadership is unable to foresee this reality, or seem

desperate to deny this reality, is extremely damaging for its reputation as a caring employer that is serious about academic research. This extraordinary short sightedness is also particularly damaging for early career researchers.

f. Academic Freedom and research-based selection.

The Addendum claims that the institution is 'not making decisions on future research content as claimed'. Legally this position does not hold and ultimately this statement highlights a central problem with the business cases as a basis for making staff redundant. Undetermined portions of staff's research (in many cases 50% or less) *in the past* deemed to be in areas of research that the University wishes to disinvest from have become a basis for redundancy, on the basis of desiring diminishing research in such areas *in the future* on the basis of a future thus far *confidential* strategic plan. This is a logical non sequitur.

A redundancy case *must* be based on future work (in this case research). Since you are required in the redundancy ordinances to show that the requirements to do a particular kind of work will have 'ceased' or 'diminished' in the future (Ordinance 2.1; Appendix 3, point 3). It makes no sense to claim that the need for something that was produced (and was a substantial part of the ULSB's REF submission) *in the past* is diminishing into the future. Therefore, this redundancy case must be based on a projection of future research; otherwise, it clearly contravenes the University of Leicester's own Redundancy Ordinances. The critique of research-based selection holds since a portion of one's previous work does not clearly predict future research direction. In addition, all staff in scope are willing to research in areas not primarily in CMS and PE as defined in the Points for Clarification document and are fully able to align with ULSB's strategic focus in future. We each make a commitment to do so.

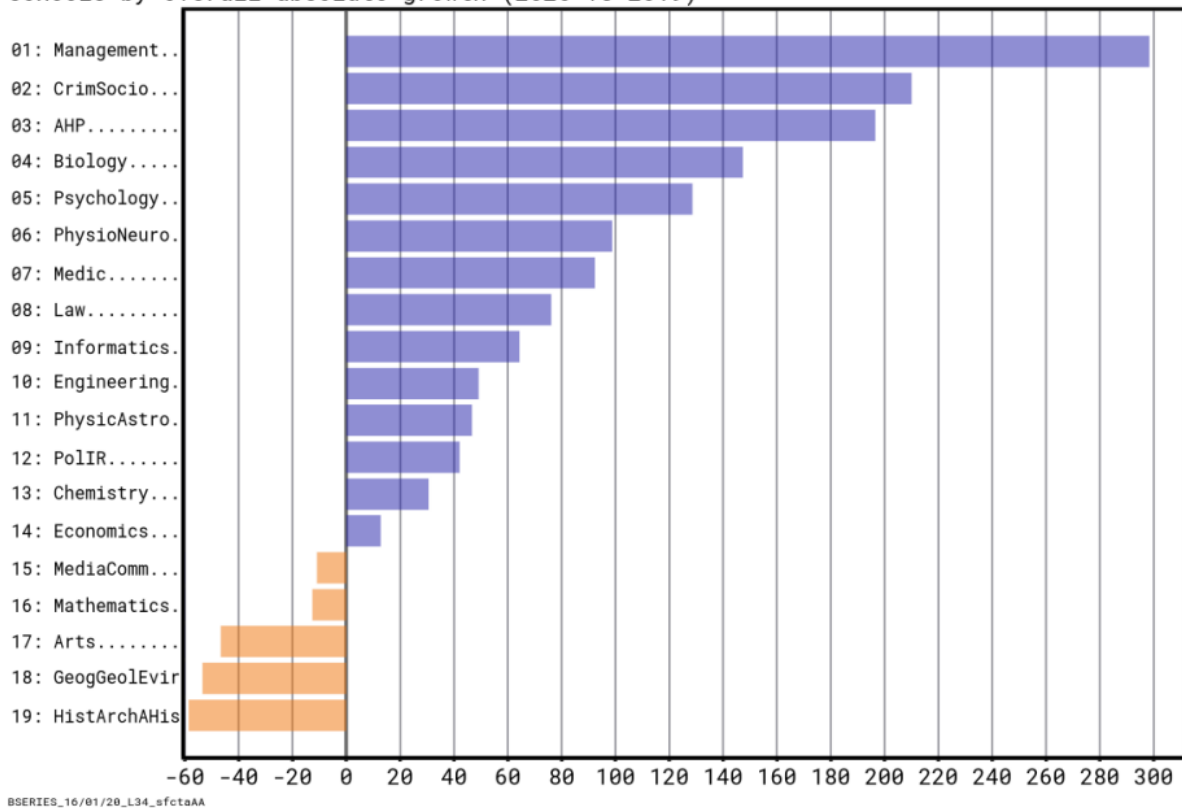
g. Evidence and data

In this section it is stated that 'the institutional strategy is currently in development'. One would be entitled to assume that to have a meaningful consultation this strategy must be shared with staff for feedback *prior* to making redundancies within a six-month time frame. Yet no such document has been shared.

In addition, we have seen no quantitative data suggesting that the proposed change will benefit either the School's teaching or student recruitment, this absence is highly ironic given that the business case expresses a need to enhance quantitative research and data analytics as an evidential basis for research, while simultaneously not providing any quantitative evidence to back up its own case for change. In the document 'Our second century - Shaping for Excellence' is noted that 'Making these proposed changes will allow us to operate more efficiently and invest in our areas of strengths and where there is student demand'.

The CSSAH portion of the DataHE report, which is now in the public domain, clearly shows that Management is not struggling to recruit. The Deputy Dean of the school described the picture for management as 'quite negative' in the pre-engagement meeting. Someone might ask why we were not shown the following graph from the DataHE report produced for UoL, which stands in stark contrast to this claim:

Schools by overall absolute growth (2025 vs 2019)



Finally, it is stated that ‘data pertaining to the financial position of this university is not relevant to the strategic case’. We do not consider this position credible. We can see from the 2019-2020 Financial Statements that the university needed £30 million cash on hand to be classified as a ‘going concern’, that is, to be in a viable financial position. By the end of the accounting period this cash has fallen to £32 million it is now borrowing money to keep above £30 million. Including £60 million borrowed (on a 12-month basis) from the Bank of England’s Covid Corporate Financing Facility. Leicester University is one of only three universities in the country to borrow from this emergency lending facility, and it is the only University in the country to increase its loan from the Covid Corporate Financing Facility (from £25 million to £60 million). The UCU has been informed by senior managers that a case for change that will make savings that will ‘contribute to solving financial challenges’, but has no explicit financial target attached to it is not financial. This is simply not credible since the University of Leicester is still looking to make savings by making staff redundant and reducing staff numbers overall. It is thus, at least in part, *necessarily* a financial case rather than simply a strategic one.

h. Counter proposal: Remove the Case for Change

While it is noted in this report that ‘the key strategic drivers and the rationale for the case remain prescient and have not been questioned in the collective response’, there is no clear evidence presented of any strategic driver to support the Case for Change. In addition, the overall strategy for the School remains a confidential document and therefore it is impossible for staff in scope to engage with it productively and meaningfully, because the

university has decided to make staff redundant before it presents ULSB's strategic vision to academic staff, or consult with them.

While you state in the Addendum that you do 'not accept that it is impractical to make decisions on the basis of primary research focus', this does not amount to an argument or a justification, it is simply a statement of something you do not accept, without providing any supporting reasons. We outline again below why it *is* in fact impractical to make decisions on the basis of primary research focus and refer to points that have not been addressed in this Addendum:

First, no quantitative threshold of primarily has been presented to us until the 8 April, despite it being acknowledged by the Deputy Dean of the School in one of the individual consultations that the invocation of primarily involves a quantitative judgement. In the 8 April document it is defined in relative rather than absolute terms as the largest 'single coherent body of research'; to which it should be noted that we dispute the claim that CMS/PE can be meaningfully seen as a 'single coherent body of research'. The extraordinary slippiness of this threshold of primarily, clearly highlights an absence of a 'clear method of selection' as is required in employment law.

Second, for at least 18 members of staff not in scope an equally strong case can be made that their work is 'primarily CMS/PE' on the basis of the fluid definitions and criteria you use.

Third, the definitions have changed at different stages of the process, since now CMS refers to (in this Addendum and in the second group consultation) 'opposition to management'. We are not aware of a single output that has been clearly defined in the Outcome of Review Letters as being opposed to management. The definition of CMS in the Points for Clarification document makes no reference to being opposed to management.

Fourth, even if a judgement is made on some undetermined qualitative basis to determine whether somebody's work is in a certain category, you have no definite basis to declare that their future work will necessarily be in this area too. All of us have done extensive research and teaching in areas outside of the definitions of CMS and PE in the Points for Clarification document. But even if the contentious judgement that their research between 2014-2020 was primarily in accordance with these definitions and this was to be granted (for hypothetical purposes), there is still no basis to assume that a staff's future research will be primarily or even partially in this area and therefore to make redundancies on such a basis. If staff commit not to do research in said areas, you have no case that the need for their work is either ceasing or diminishing which is a required condition for redundancy in the Redundancy Ordinances that is not met.

i. School Research Strategy

In this section it is stated that staff not in scope are doing research primarily not 'in the areas from which the school seeks to disinvest' and that they are in a position 'to contribute to research priorities for the school in the future'.

The case for change has been 'from reports and commentary that will be required for business schools to benefit from a successful and sustainable future'. We have to note that the case for change refers only to two reports from CABS, which are devoted to curriculum development, course design and student recruitment and do not deal with research at all. How can a case for change around research based on two reports about teaching?

It is also stated that 'in the further refinement and operationalisation of the strategy ULSB research committee will take an active role in shaping and implementation'. The research committee have already highlighted serious concerns in opposition to the process which have not been addressed. It is then stressed that the research of others 'is not primarily in areas from which we seek to disinvest'. Again, this does not address the question of future research strategy; future research cannot *a priori* be predicted from previous research. It is conceivable in the future that many individuals' research may at some unexpected point cross into this loose and ambiguous terrain of CMS or PE as understood through the Points for Clarification document. If redundancies go through on this basis, the university of Leicester leadership team will have made unforewarned redundancies on the basis that research in the past is deemed to be not in alignment with research areas in line with strategic priorities *in the future* (according to a strategy what was not shared with staff prior to redundancies being announced). With this precedent set how can any academic staff currently out of scope have any confidence that this will not happen again in the future, given that it is in fact happening *now*?

It is then noted in this part of the Addendum that 'there is no sense in which any area of research aligned with the School strategy will be devalued' but this gives rise to the question:

If individuals are currently working in areas that are not aligned with the school's strategy or find themselves working in these areas at some point in the future (which does not include areas judged to be CMS/PE) does this mean their work *will* be devalued by ULSB?

Simply stating that staff will be 'reassured with regards to future research autonomy, including engagement with external organisations, and academic freedom', rather begs the question of why research autonomy and engagement with external organisations is a basis for redundancy in this proposed round of redundancies? Since publication in particular journals, associations with academic bodies and particular research interests have contributed to identifying individuals for redundancy in this very process. Simply promising not to do it again is not an acceptable and reassuring response for academic staff currently not in scope, since it sets an extremely dangerous precedent for UK higher education, which is that at any point senior managers could conceivably in a moment of their choosing make mass redundancies due to what they deem to be research alignment with particular academic terms that they present selective, partial and inconsistent definitions of.

j. Teaching strategy and operations in the School

It must be stressed that the reduction in staff through these redundancies results in a significant overall reduction in staff numbers, at a time in which teaching loads are currently at 60%. We have been presented with a brief outline of some figures on a slide which involved reallocating

6850 hours across from another division, Economics, Finance and Accounting. But we have serious concerns about the effects this will have on delivering high quality teaching at ULSB. We are concerned that these figures do not take adequate account of the process of recruitment of new staff, that they do not take account of notice periods, nor of probationary periods. And we are concerned about the assumption that staff are simply transferable units whose expertise and specialist knowledge can be straightforwardly reduced to mathematical equivalencies.

All teaching staff in the school know that workload fluctuates and is regularly revised over the months before the start of the semester – sometimes quite dramatically. Whilst it is difficult to be certain, our experience shows that figures derived at this point in the cycle much more often understate, rather than overstate, the number of workload hours for which academic staff cover will eventually be needed. So, the projected net surplus of hours within EFA, and the net zero impact of redundancies in management, are almost certainly inaccurate.

Recruiting new staff takes considerable time and is an unreliable process that sometimes fails. Even if everything goes entirely smoothly, it takes at least four months from the point in time that a post is first approved to get a new member of staff into place. The timeline for the proposed redundancies says that staff will be identified for dismissal at the beginning of May. No new posts will be approved before then. Counting forwards four months, this means that - at best - new staff might be available from the beginning of September. However, this does not take account of the many bureaucratic delays and obstacles that typically arise during the recruitment process. It does not take account of the difficulties of recruiting, selecting, and interviewing during the pandemic. It does not take account of the delays and difficulties of recruiting over the summer. Vitally, it does not take account of the probable impact upon the numbers and quality of applicants of the extensive reputational damage already caused by these redundancies. Our combined experience shows that is very unlikely, even at the best of times, that we could fill six posts within the necessary four months. And in so many ways these are not the best of times.

The case for change says that ULSB will recruit six new staff: three lecturers, three associate professors. This is how the figure of 6000 workload hours for 'new posts' is obtained. But even if we leave aside the many difficulties of recruiting those six staff within the necessary four-month timescale, there are another two problems with this: The first is notice periods, because the four-month minimum timescale for recruitment assumes that no one has to work any notice. This is extremely unlikely for the three associate professor posts, where a minimum three-month notice period can be expected for each of these experienced members of staff. But even candidates for the lecturer posts may have to work notice periods, again of perhaps three months. This pushes the start dates for these six posts back into December 2021 at the very earliest. The second problem concerns probationary periods. Whilst this is less likely to apply to the three associate professor posts, it is very likely to apply to the lecturer posts. Reductions in workload will almost certainly be given to new staff in these posts, and this will further reduce their availability to cover the necessary teaching.

The narrative that went with these figures suggested that none of these concerns really matter. Even if recruitment took longer, it was suggested, there is a surplus of nearly 7000 hours within EFA that can be 'transferred' to management in a process of 'rebalancing'. This

narrative assumes that staff expertise and knowledge are entirely transferable from one area to another, from one discipline, specialism, or module to another. It is only credible if we assume that staff can simply be swapped around without there ever being any problems of fitting square pegs into round holes. It is, in other words, a glib and superficial mathematical way of covering over a staffing shortfall which, to add insult to injury, is directly at odds with arguments frequently deployed to terminate the contracts of teaching staff with fixed term positions

In reality, and despite the demeaning way that we have been treated by our employer, all of us in ULSB are highly trained and dedicated professionals who have expended considerable time and effort to acquire expertise within our specialised fields. We are not homogenous, interchangeable units that can be exchanged seamlessly one for another. To the questionable extent that it is viable at all, the suggested process of 'rebalancing' between EFA and management will not work without considerable time, effort, and anguish on the part of those involved.

There is of course another assumption within the narrative. This is the assumption that, leaving aside the redundancies themselves, numbers of staff will remain stable; we have also seen a number of staff opting to take VSS, but we have not been presented with any information on how this impact already heavy teaching loads in different divisions. In addition, an email enquiry sent on the 12 April, requesting the numbers that have resigned or taken VSS in School of Business, since the VSS option opened in September 2020, has not been responded to or answered in any other fora. Furthermore, at any given point in time in a School the size of ours there will inevitably be some people actively looking for jobs elsewhere. But the impetus to do this is accelerated or magnified by the redundancy process, and the erosion of hope, trust, and morale it brings. In fact, we are already aware of significant numbers of people not currently in scope for redundancy who are actively seeking work elsewhere in direct response to the actions of our management. But we have no doubt that there are others.

k. Timescales

Redundancy ordinance 6.1 states clearly 'collective consultation will normally begin 7 months in advance of first effective date of termination'. Despite asking, we have been provided with no information as to why the collective consultation is for 6 months rather than 7 months from the proposed date of termination, as is 'normally' the case. We once again raise the question as to why?

m. Alerted to claim of potential Union victimisation

A rudimentary university-wide statistical impact assessment has been supplied on this matter. The assessment finds a 6.5% adverse impact if one is a union officer or rep (as against the University's chosen threshold of acceptable differentiation: 5%) However, we have been able to point out an error in the statistical method which, when rectified, gives the more accurate figure of 6.7%. In an evidence-free, circular argument - a form that we are all very familiar with from our Academic Freedom panel outcomes - the Impact Assessment concludes 'trade union representative status has not directly or indirectly contributed to any staff who are trade union representatives being placed at risk, since decisions on which staff are at risk reflect the strategic principles in each business case'. Of

course this is disingenuous: *The report seeks here to assume or assert away the very problem that the numbers illuminate.*

We have highlighted to the university that even setting aside the disingenuous conclusion and flawed methodology, a university-wide simple statistical exercise is wholly inadequate as a response to concerns about discrimination. This issue is not simply one of how many TU representatives are in scope as compared to non-TU representatives, it is also one of the circumstances under which they find themselves to be in that position and the broader context of bullying and harassment of TU representatives and activists out of scope.

In addition to the university's Impact Assessment Exercise, you will hopefully have seen the statistical modelling provided by a group of colleagues in EFA that concludes that visible union activity is the most likely reason for staff in the School of Business having been put at risk.

Our expectation is that as part of the most basic effort to take such concerns seriously and to investigate them, the university will look specifically into the School of Business where they are the most pronounced.

Evidence contributing to our concern, those of our colleagues, and those in the wider HE community includes, but is not necessarily limited to,

1. Mounting evidence of malpractice and lack of basic objectivity during the screening process (including that emerging through independent replication and out-of-scope colleague testimony), that appears designed to place trade union officers and reps in scope.
2. Mounting evidence of the extraordinary lengths to which senior managers appear to be going to ensure that union officers are kept in scope including contortions of logic, deceit, and what will become, should the process result in dismissal, flagrantly unlawful practices – many of which are dealt with elsewhere in this document.
3. Mounting evidence, as more and more data that had previously been withheld from us finds its way into the public domain, that projections for Management are in fact very healthy – The sole 'problem issue' seeming to be that within otherwise generally positive NSS feedback there are negative references to the impact of strike action. The desire to reduce union activity within the school (and by extension the whole university) thus presents itself as an evidence-based rationale for the changes where no other evidence can be found that would point to other rationales. Of course, we can see in hindsight that this is not an effective way to reduce union activity within the school or the wider university.
4. Credible allegations from persons close to senior management that areas – and even individuals – had been earmarked for dismissal prior to the 'pre-change engagement' having taken place.

n. External communication

The scale and scope of opposition to these redundancy plans is unprecedented: 5 external examiners have resigned, over 2500 academic staff (significant numbers of whom are major,

international authorities in their respective fields, including business studies, accounting and management) have declared strong opposition to these plans, an overwhelming majority of academic staff have voted no confidence in the Dean of the School in a meeting attended by over 70 people, and 136 academic and professional services staff in ULSB have declared opposition to these redundancy plans. The Learning and Teaching Committee have highlighted their serious concerns with the plans, the Research Committee at ULSB has also expressed serious concerns with the business case and the Dean of Research has had to resign because she felt unable to remain silent and not make any criticism of the proposed Case for Change. This level of opposition is as overwhelming as it is unprecedented, but we have seen no evidence of a larger plan to take these concerns seriously and abandon compulsory redundancies at ULSB.

Referring to the public outcry, you state: 'We have received communications from groups and individuals outside of the University expressing disagreement with the strategy. These have been replied to by the Vice Chancellor who thanked them for their input, stated that we remain in a consultation process, and articulated the strategic imperative for the case for change.' However, the VC replied by stating that 'I have asked that the views and feedback you have expressed be considered as part of this consultation exercise.' None of the minutes or documents we received so far refer to any of the feedback of individuals, journals or scholarly associations, nor indicate any discussion of the content of the feedback. We have now learned that you will take these letters into account after the end of the consultation period, which contradicts the promise of the VC that they will feed into the consultation process.

In addition, and crucially, we have deep concerns about the sidelining of students from this process of consultation, there is no evidence that the concerns of students have been seriously engaged with, taken on board, or responded to.

Best regards,

ULSB16