

Dear Prof. Devlin,

Thank you for your response on the 8 April 2021 to the questions that were originally sent on the 19 March 2021. These responses clarify some issues but raise a number of serious concerns about the redundancy consultation process. We have put them into the following questions:

- 1) We note a new shift of your definition of 'primarily'. After our initial questions about the use of this term even in cases where your own assessment identified a majority of research to be not CMS/PE, you argued that 'primarily' was used in a 'non-quantitative' way. On the 18th March we asked for clarification on what that may mean. In your response from the 8th April, you have now reverted to a quantitative explanation of 'primarily'. You define 'primarily' as a majority of work in relative, not in absolute terms. Can you explain why this answer was not provided earlier?
- 2) To identify a relative majority of works, it is not sufficient to use the binary 'CMS/PE' versus 'not CMS/PE' categories. A more complex assessment is needed, identifying all different 'coherent bodies of research' for each colleague. When and at what stage was additional work done to identify the existence of different coherent bodies of research in the outputs of all 66 staff originally in scope? Can you provide evidence for having done this?
- 3) How did you come to an assessment on what constituted a 'single coherent body of research'?
- 4) What other single coherent bodies of research did you identify?
- 5) CMS/PE is treated as one 'single coherent body of research'. But why do CMS and PE have separate and different definitions in the Points for Clarification document?
- 6) If CMS/PE were a 'single coherent body of research' why in the Outcome of Review letters is our work categorised as being defined as 'aligned with' *either* CMS *or* PE rather than CMS *and* PE? This suggests that they are distinct bodies of research with different definitions.
- 7) In the 8th April document you stated that 'it was not considered that there were any other distinct and identifiable areas of research activity within the school (in the sense of staff primarily researching in those areas) which were not aligned with the school's future strategic direction'. How did you reach this assessment? When was this undertaken?
- 8) Despite this, the review panel outcome letters introduce the categorisation of work that is not considered 'CMS/PE' but also 'not aligned with the future strategic direction'. You say as much by using 'and/or' between work that is CMS/PE and otherwise not aligned. When was this category of non-aligned non-CMS/PE work introduced? At what stage in the process? If it was introduced in the initial screening exercise as you claim (page 3, response to question 2) why were we not informed about it in the first round of individual consultations when you had ample opportunity to do so? Indeed, why did you insist several times in a number of different individual consultations that our work was being assessed on the basis that it was 'primarily CMS/PE' only?
- 9) You claim not to have changed the criteria between the initial screening(s) and the Review Panel and in Question 2B you state: 'there has been no change in the criteria for redundancy between the initial screening and the panel review'. But you do in fact acknowledge that you changed the criteria when you state that: 'Following initial feedback on the Case of Change which indicate dispute about the definition of CMS and PE, it was considered that the Terms

of Reference for the Review should reflect the fact that ultimately the question for the Review Panel was whether the individual was conducting research primarily in an area of activity aligned to the School's future direction' (page 4, Q2 penultimate paragraph). Thus, in effect introducing the category of *non-aligned* non-CMS/PE research into the redundancy screening process. How is this not a change in criteria?

- 10) With regards to the point of the legality of changing criteria, the decisive point here is not the fact that you changed them (which you are indeed free to do), but that you did not apply the same criteria to the wider group as to those identified 'at risk' in the initial screening. You can change the criteria, but you then need to apply them to all colleagues in scope. You changed and extended criteria for redundancy only after the initial screening and applied this only to those who were already at risk of redundancy. That, we contest, is not lawful.
- 11) You said in response to Question 2B that 'this screening exercise was repeated'. When did this second screening take place? Who undertook it and what did it consist of?
- 12) How many different screening exercises were there in total and did their scope change at any point?
- 13) In response to question 6 you establish that the review panel was assembled in response to consultations. We note that you did this after the Research Committee raised concerns. Can you confirm that Professor Thomas and Professor Baker were in effect enrolled here to justify that this case has merit in terms of research expertise? And if this is the case, on what basis are those two Professors considered qualified to make this judgement?

27th April 2021