

Response to Letter of 27th April (Titled Response to 30 March Addendum)

Dear all

Thank you for your letter received by email from Dr. Dallyn on 27 April 2021 and written in response to the Addendum document provided on March 30 2021. Below I have responded to the questions raised.

Consistency of People Involved

The identity of those involved has not materially changed during the process. The process to date has been led by the Dean and Deputy Dean of ULSB with the PVC and HoC as the Executive Board lead. Both the first and second Collective Consultations were led by Professors O'Connor, Professor Devlin and Professor Ladley, supported by HR and the College Director of Operations. The first individual consultations were led by the Dean and Deputy Dean. However, due to illness the Dean was absent from some of these meetings. Instead, these individual meetings were led by the Deputy Dean (as Acting Dean during this period) with the out-going DPVC Research in attendance. The second individual consultations were all attended by the Dean, Deputy Dean and PVC/HoC.

The Ordinance requires the relevant manager to meet with each affected member of staff and in each case this process was followed with either Professor Devlin or Professor Ladley as the relevant manager. Professor Gibson joined the meetings due to Professor Devlin's absence.

The Review Group was comprised of the same three individuals (Professors O'Connor, Professor Devlin and Professor Ladley) plus the recently appointed Pro-Vice Chancellor Research and Enterprise and the College Dean of Research. The Review Group did not include Professor Gibson as she left the University at the end of March and there was a possibility that the Review Group may have been required to reconvene after her departure. Professors Baker and Thomas were asked to join the group given their research-focused roles and responsibilities.

The Review Group membership was not kept confidential and details were shared with staff in scope. Full ToR, points of principle and a list of documentation available to the Review Group were also shared.

The Review Group members had full access to the following documentation:

- a) Case for change and points of clarification
- b) Proforma outlining the outcome of the initial screening exercise
- c) Representations put forward as part of the individual and collective consultations process including the record of the meeting and any amendments submitted
- d) Additional material supplied by individuals to determine whether it should be included in the basket of indicators, e.g. publications not taken in to account in the original screening
- e) IRIS report for each individual

Notes from the Review Group meeting were shared with individuals on request. These notes were a summary of the discussion and were not a verbatim account of the meeting and individual panel members were not identified in the notes.

Following the deliberations of the Review Group three individuals were removed from the redundancy pool and are no longer in scope.

Definition and Criteria for Selection in the Redundancy Pool / Clarity concerning the basket of indicators uses

The definition of Critical Management Studies and Political Economy were set out in the Points of Clarification Document. These definitions were used for the purposes of both screening exercises and were included in the documentation provided to the Review Group. At no point have the definitions used in the screening exercise or at the Review Group changed. As noted in your response to the addendum: 'The definition of CMS in the Points for Clarification document makes no reference to being opposed to management' (p.9). "Being opposed to management" was at no time part of the definitions. The definitions used in the Points of Clarification are based on established literature in the field of CMS and PE.

Publishing in journals with the word 'critical' in the title was not used as part of the criteria for selection or as part of the basket of indicators. A broader indicator of journal of publication was, however, included. A self-declared research interest in the areas of critical management studies and/or political economy was also included in the basket of indicators. Items included in the basket of indicators are listed in the points of clarification document and have not changed during this process.

The areas of strategic importance for the School were set out in the Pre-Change Engagement presentation, in the Case for Change and again in the ToR of the Review Group.

Clarity of the Scoping Exercise

In conducting the initial screening exercise we undertook a thorough, consistent and fair approach. All academic staff on a T&R contract in the Departments/Divisions in the management area of the School were screened in the same manner to establish whether the individual member of staff is conducting research primarily in areas that are not aligned with the School's future direction (as proposed in the Case for Change), namely in the areas of Critical Management Studies and/or Political Economy (using the definitions supplied).

All T&R members of staff from MISO, M&O and W&E were included in the initial screening exercise. As part of the consultation process, we were asked why other individuals had not been included in the pool (see original Addendum document). A subsequent checking exercise was then carried out to check that the initial pool was correct and this was reported back to the Review Group. We are confident in the approach taken and in the decisions made not to include staff in the at risk group during the initial screening exercise and when that exercise was repeated.

A matrix of all staff was produced. The relevant entry for each member of staff can be shared with them on request and has been provided when requested.

Impact on ECRs

The status of those individuals who could be considered to be ECRs¹ was taken into account. Where an individual was potentially an ECR this was highlighted to members of the Review Group and the content of the basket of indicators was considered in the light of this information in each case. It was stressed to the Review Group that the exercise was not performance-related in any way and the decision about inclusion in the pool was dependent on the content of the basket of indicators which defined research namely in the areas of Critical Management Studies and/or Political Economy, regardless of quantity.

Academic Freedom and Research-Base Selection

The basis of the case for change is that the institution wishes to disinvest from research in the area of Critical Management Studies and Political Economy. An initial screening exercise was carried out to identify staff who are, prima-facie, researching primarily in these areas. This exercise was repeated after the first individual consultation and no further individuals were identified as being in scope. The Review Group concluded that three of the individuals initially at risk were not primarily researching in CMS/PE, based on information gained through the consultation process, and they were removed from scope.

As an institution we will no longer be investing in CMS/PE therefore individuals who primarily research in these areas have been identified as at risk of redundancy because work in this area will cease.

Evidence and Data

The Pre-Change Engagement presentation included information from DataHE. After feedback from staff, the information from DataHE was not included in the rationale for the Case for Change and does not underly either the decisions or strategy put forward. In addition, the ULSB Case for Change is based on a disinvestment in research in the areas of CMS/PE.

¹ It is important to note that there is no agreed definition of the term Early Career Researcher. The AHRC have published a working definition which is useful here:

<https://ahrc.ukri.org/skills/earlycareerresearchers/definitionofeligibility/>

The AHRC's formal definition of an ECR is an individual who is within eight years of the award of their PhD or equivalent professional training, or an individual who is within six years of their first academic appointment. These durations exclude any period of career break, e.g. for family care or health reasons. The 'first academic appointment' is defined as the first paid contract of employment, either full-time or part-time, which lists research and/or teaching as the primary functions. The award of PhD is defined at the point of successful PhD viva.

Teaching Strategy and Operations in the School

Workload modelling has been carried out to determine the teaching needs and capacities going forward. Six new posts are included in the Case for Change and replacement posts have been included as part of the redeployment opportunities provided for the staff at risk, for consideration as part of the case for change proposal.

Timescale

The Redundancy Ordinance does not stipulate a timeline that Collective Consultation Meeting 1 (a meeting between the University, Trade Unions and affected staff under paragraph 6.11 of the ordinance) should take place seven months in advance of the first effective date of termination. The Ordinance states that a meeting between the University and the Trade Unions should take place normally seven months in advance of the first effective date of termination and another meeting between the University and the Trade Unions should take place "ideally no later than six months in advance of the first proposed dismissal". The Ordinance also states that Individual Consultation Meeting 1 should take place approximately five months in advance, and Individual Consultation Meeting 2 four months in advance. These time scales are indicative rather than absolute.

The provisions on Collective Consultation Meeting 1 (a meeting between the University, Trade Unions and affected staff) are in paragraphs 6.11 to 6.16 of the Ordinance Procedure and the provisions about Collective Consultation Meeting 2 (again between the University, Trade Unions and affected staff) are in paragraphs 6.17 to 6.19. These paragraphs do not say that these meetings should take place seven and six months, respectively, in advance of the first effective date of termination. The Ordinance is entirely silent on when they should take place. It is paragraph 6.1, which states "collective consultation will normally begin seven months in advance of the first effective date of termination." Paragraphs 6.2 to 6.10 of the Ordinance refer to the process of collective consultation between the University and its trade unions under Section 188, and not to the collective consultation meetings with staff and trade unions under paragraphs 6.11 onwards in the Redundancy Ordinance.

Paragraph 6.5 clearly refers to a meeting between the University management and the recognised trade unions (but not staff), in order to present and discuss the redundancy proposal. This is a different meeting to Collective Consultation Meeting 1, which includes affected staff. In relation to Section 188 consultation, the Ordinance then provides for the trade unions to provide comments on the proposals before a further meeting (under paragraph 6.8) between management and the recognised trade unions (again without staff) takes place "ideally no later than six months in advance of the first proposed redundancy dismissal". That meeting is not Collective Consultation Meeting 2 as referred to in paragraph 6.17 onwards of the Ordinance.

From this it is therefore, clear that the provisions in the Ordinance about collective consultation meetings taking place normally around seven or six months before the first effective date of termination relate to meetings between the University and its recognised trade unions alone and not to Collective Consultation Meeting 1 or Collective Consultation Meeting 2 which are meetings with both staff and trade unions.

It should also be noted that prior to the formal consultation process commencing, a pre-change engagement exercise took place from 22 October 2020 to 6 November 2020 to gather views, feedback from all staff in the School of Business to inform any potential change.

Union Victimisation

We are aware that this issue has been raised by UCU. The UCU position on this has been stated by one of the two UCU representatives present at the second individual consultations held with elected UCU role holders or UCU representatives. However, the proposed changes in ULSB relate to the long-term strategic direction of the University. The assessments made in the initial screening in ULSB and in the review exercise involved identifying the area of activity in which an individual primarily conducts research, and whether or not this is an area that is aligned to the School's future strategic direction.

All T&R members of staff from MISO, M&O and W&E in ULSB were included in the initial screening exercise and then screened again to check that the initial pooling decision was correct. We are satisfied that it is the outcome of these assessments – made on criteria which are entirely unrelated to trade union representative status or trade union activities – which is the reason for the relevant staff in ULSB being placed at risk of redundancy.

External Communication

All communication received throughout the consultation has been acknowledged and responded to and considered as part of the consultation process. The resignation of external examiners and the correspondence received from external sources was noted and discussed in the presentation at the second collective meeting. The comment that feedback will be considered at the end of the consultation does not contradict what was previously communicated. Feedback has been considered throughout the process and has been reviewed at the end of consultation, prior to outcomes being communicated to individuals. Students have not been side-lined from this process. They have been informed from the outset. We have not received any communication from UG students about the ULSB Case for Change and have received one email from a PGT student who is a course representative. A small number of PhD students asked for clarity regarding their supervisory arrangements. In all cases we have responded directly to the PG students who have requested information.