

Dear all,

Thank you for your letter received by email from Dr. Frenzel on 27 April 2021 and written in response to my letter of 8 April 2021. Below I have responded to the questions raised.

- 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 18 March, we asked for clarification on what that may mean. In your response from the 8 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?

In your letter of 19 March, you sought further clarification of the term 'primarily'. In our response, we made clear that, in the change proposals for ULSB, the assessment of whether an individual is conducting research "primarily" in CMS/PE has always included a non-quantitative approach and we disagreed with the suggestion in your letter of 19 March that we had re-defined primarily as a "non-quantitative" assessment. In our response, we made clear that the basket of indicators was considered in all assessments and we gave example scenarios to illustrate how the assessment might be made in certain circumstances. This included an example where the majority of outputs and/or grants were assessed as being in CMS/PE and another where (in the given scenario) that was not the case but the more significant and principal focus of an individual's research could be assessed as being CMS/PE. We do not agree that we have "reverted to a quantitative explanation of 'primarily'".

- 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?

As previously explained, a screening exercise was carried out to identify staff who 'primarily conduct research primarily in those areas not aligned with the School's future direction'. For this exercise, these areas were CMS and PE. The assessment was made using the basket of indicators and the approach we have explained to identify whether individuals were conducting research "primarily" in CMS/PE. We do not agree that that exercise needed to identify "all different 'coherent bodies of research'" for each individual in the way you suggest.

- 3) How did you come to an assessment on what constituted a 'single coherent body of research'?

As above, and in our response to your letter of 19 March, the assessment was to determine the more significant or principal focus of research activity in an individual's overall research profile, by reference to the full basket of indicators. We used the term "largest single coherent

body of research” to illustrate how the “more significant or principal focus of research activity” might be identified in a scenario where an individual’s research outputs fell into several areas.

4) What other single coherent bodies of research did you identify?

This question does not accurately reflect the response we made to your letter of 19th March. As noted above, we used the term “largest single coherent body of research” to illustrate how the “more significant or principal focus of research activity” might be identified in a scenario where an individual’s research outputs fell into several areas. In all cases, our focus was on identifying the “more significant or principal focus of” an individual’s research activity.

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?

This question does not accurately reflect the response we made to your letter of 19 March. As noted above, we used the term “largest single coherent body of research” to illustrate how the “more significant or principal focus of research activity” might be identified in a scenario where an individual’s research outputs fell into several distinct areas. In the example scenario we gave, when we stated “the research in CMS/PE was the largest single coherent body of research”, we were not treating CMS and PE as one “single coherent body of research”. We were referring to either CMS or PE as being, in our example, “the largest single coherent body of research”.

In all cases, our focus was on identifying the “more significant or principal focus of” an individual’s research activity.

The Case for Change for ULSB proposed disinvestment from research activity in CMS and PE. We were asked to provide clarity on the definitions used to identify research as CMS and as PE. The two terms were defined separately in the points of clarification document, although it is recognised that CMS and PE can and do intersect and overlap.

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.

As stated above, we did not state that CMS and PE were a “single coherent body of research” in our letter of 8 April.

Each profile was examined on an individual basis. In some cases research was assessed as being primarily in the area of PE, and in others individuals were assessed as researching primarily in CMS. In some cases individual profiles had elements of both CMS and PE and the assessment was that the primary area of their research was either CMS or PE (recognising that CMS and PE can and do intersect and overlap) and that they were not researching primarily in an area which is aligned to the School’s future direction.

- 7) In the 8 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?

The proposal for disinvestment from CMS and PE and the reasons for this proposal were also presented at the start of the pre-change engagement process and all staff were invited to submit their feedback on this during that process.

In the 8 April document, we stated that “The Case for Change specifically identified CMS and PE as areas of research activity which were not aligned with the School’s future strategic direction. 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.” This assessment was made when developing the Case for Change and in the screening exercise, which was used to identify staff who were *prima facie* carrying out research in the areas of CMS/PE.

- 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?

We repeat here the response provided in our letter of April 8.

The assessments made in the initial screening 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 which is aligned to the School’s future strategic direction.

The Case for Change stated in paragraph 3.2 “The proposal in the School of Business is to retain only those T&R staff whose research focus fits with the future research needs of the School.” This remains the case. The Case for Change set out the priority areas for the School in terms of future strategic direction.

The Case for Change also stated: “It is proposed that the School will no longer support research in critical management and political economy as these areas are not aligned with the School’s future direction. An initial screening exercise has been conducted to identify staff who *prima facie* conduct research primarily in those areas not aligned with the School’s future direction.”

The Case for Change specifically identified CMS and PE as areas of research activity which were not aligned with the School’s future strategic direction. 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.

- 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?

As explained in the answer to Q2 on the earlier document, there has been no change in the criteria for redundancy between the initial screening and the panel review. Specifically, we said:

"The Terms of Reference for the Review Panel did not introduce a third category of research activity. There have always been two categories – activity that is aligned to the future strategic direction of the School and activity which is not. CMS/PE are examples of the latter. The Terms of Reference for the Review contained a consolidated list of areas of activity that are aligned with the School's future direction, in order that these were explicitly identified for the purposes of the review.

The Terms of Reference asked the Review Group to "consider each individual case to assess whether the person is conducting research primarily in the areas of Critical Management Studies and/or Political Economy (as defined) and/or other areas of research that are not aligned with future strategic direction" (emphasis added) to accurately reflect the proposal in the Case for Change "to retain only those T&R staff whose research focus fits with the future research needs of the School." This was done in the interests of consistency with the proposal in the Case for Change. Following initial feedback on the Case for Change which indicated 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."

In addition:

- those originally placed at risk were assessed in the initial screening exercise as conducting research primarily in CMS/PE rather than in an area aligned to the future strategic direction of the School;
- this screening exercise was repeated following feedback from the initial consultations, to ensure that no individual who potentially met the criteria (see points of clarification

document) had been omitted from the original screening. Those at risk remained those assessed as conducting research primarily in CMS/PE rather than in an area aligned to the future strategic direction of the School;

- those who remain at risk were assessed by the review group as conducting research primarily in CMS/PE rather than in an area aligned to the future strategic direction of the School.

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.

Please see our response to Q9 above. We have not changed the criteria. We are satisfied that those individuals who were not placed at risk following the initial screening exercise are primarily conducting their research in areas of activity which align to the School's future direction.

11) You said in response to Question2B that 'this screening exercise was repeated'. When did this second screening take place? Who undertook it and what did it consist of?

The second screening exercise took place after feedback from the first consultations and was carried out between Feb-March, in advance of the Review Group meeting. The screening exercise was carried out by the Dean and Deputy Dean of ULSB.

12) How many different screening exercises were there in total and did their scope change at any point?

Screening took place initially in December 2020 – early January 2021 and was repeated in late February – early March. The scope of the exercise did not change.

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?

The Review Group was established in response to feedback from the initial consultation phase and to ensure that the case of each individual who had been placed at risk was reviewed in a fair and objective manner. The inclusion of the Dean of Research and the incoming PVC Research and Enterprise was based on their knowledge and understanding of College and University research strengths and strategic priorities. In addition, they were not involved in the initial screening and could assess each case independently and on the basis of 'a reasonable person'. Thus, they were able to ensure all evidence presented was considered

(verifying sources of data such as IRIS and grant information), to ensure each individual was given a fair review and to challenge decisions.