Statement from the UCU to the Senate regarding the University's proposed revision of the Statutes

In March, Newcastle UCU took the unusual step of writing to the Senate to express its concerns regarding the University's proposed revision of the Statutes. Unfortunately, in the intervening period little has happened to allay these concerns.

The major problem resides with the University's desire to effectively delete Statute 57 which embodies a series of principles and procedures designed to protect academic freedom. Although UCU accepts that some revision of these procedures is desirable, the University's proposals go way beyond what is necessary, and represent a significant threat both to the job security of academic staff and to academic freedom.

Our most serious concern is with the Redundancy Procedure. We disagree strongly with the University's view that the procedure described in Statute 57, requiring the setting up of a Redundancy Committee and the involvement of Council, is unnecessarily "cumbersome" and "time consuming". The suggestion that these statutory requirements are responsible for the "difficulties" the University has encountered in recent years in dealing with redundancies of research staff is not correct - these "difficulties" have largely arisen from changes in employment law and the obligations imposed by the new Concordat.

Our view is supported by statements made by the Redundancy Committee itself. The Chair of Redundancy Committee reported to Senate in March that "the procedure, whereby following discussion in the Joint Consultative Committee with UCU, the Redundancy Committee considered the cases and forwarded its recommendations to Council for final approval, although being a somewhat extended process, works well". He went on to state "it is clear that there is a continuing need for emphasis to be placed upon improving career management for researchers", and "there have been a number of instances where it is apparent that PDR has not been taking place. This has left the committee with questions about the degree to which effective career management is taking place".

It is clear from this that the Redundancy Committee performs a valuable role in scrutinizing redundancies amongst the academic and research staff. Our strongly held view is therefore that the requirement for a Redundancy Committee that reviews cases of academic redundancies and makes recommendations to Council should remain in Statute. We also believe that Senate should be directly informed of all proposed redundancies that have implications for the academic strategy or integrity of the University.

In order to meet the University's requirement for a simplification of the Statutes we suggest that the section of Statute 57 [now 52] that deals with Redundancy should state

"There shall be a standing Redundancy Committee that shall consider all cases of proposed redundancies amongst the academic and research staff and make recommendations to the Council. Where it believes these proposed redundancies have implications for academic strategy it shall also request the Senate to consider the matter. The Redundancy Committee shall comprise members of both Council and Senate, and shall report annually to the Senate on the operation of the procedures relating to academic staff redundancies."

An alternative proposal that would reduce the workload of the Redundancy Committee would be:

"There shall be a standing Academic Redundancy Review Panel [comprising elected members of the Senate] that shall review cases of proposed academic redundancies to identify those
that might have implications for academic strategy. Where it considers this to be the case it shall inform the Senate who may request that the Council establish a Redundancy Committee to consider them fully and make recommendations to the Council. The Redundancy Committee shall comprise members of both Council and Senate, and shall report annually to the Senate on the operation of the procedures relating to academic staff redundancies.

Additional concerns of UCU
At the start of the Statutes negotiations in the summer of 2009 we pointed out that it would be difficult for either the UCU or the Senate and Council to make an informed judgment about the proposed changes to Statute 57 without knowledge of what would replace them. We are very concerned that the University has still not provided draft documents of the proposed replacement Redundancy or Capability Procedures.

Similarly, although the University has given us a verbal assurance that the Senate should contain a majority of elected members, it has still not embodied this principle, or the mechanism for achieving it, into the revised Statutes.

Given the importance of all these matters, we believe that the proposed revisions of the Statutes should not be approved by the Senate in their present form, and that the timetable for submission to the Privy Council should be extended to allow further discussions and negotiations on these outstanding matters.

Our overarching view is that, by making it easier to dismiss staff on the grounds of redundancy or capability, the proposed changes to Statute 57 represent a serious threat to academic freedom, and will lead to a culture of "management by fear". We strongly believe that what attracts talented and creative people to work in Universities is the opportunity to pursue novel ideas in a situation of comparative employment security that is as free as possible from managerial interference. The unnecessary removal from the Statutes of the special employment protections for academic staff will inevitably be a major disincentive to the recruitment and retention of such individuals that in the long run will result in a mediocre academic environment.