



13 March 2017

## Reforming the University's Employment Statute

Dear Senate member,

In December, the Vice Chancellor informed all staff that Council wished to “simplify, clarify and modernise” the university’s governing instruments and that “There will be a process of consultation with Senate”. Ahead of tomorrow’s Senate meeting, we would like to outline why we, as the recognised trade union for the affected staff, have formally objected to the university’s plans to repeal almost all of Warwick’s employment Statute ([Statute 24](#)) and to make the existing policies for those not covered by Statute apply to all staff, with some minor modifications. Our concerns are two-fold:

- 1) At present, the Privy Council needs to approve changes to Statutes and the University Council needs to approve changes to Ordinances. In our judgement, this serves the long-term interests of the institution because it ensures any putative changes are carefully reviewed by a range of stakeholders, some of whom are external to the organisation and can take a sector-wide view. Moving all of the procedural detail out of Statute and into HR policy removes this important safeguard. It allows senior leaders to impose less favourable policies, at any future point. We understand that our current leadership team has no intention of doing this, but there would be little to stop a future leadership team from embarking upon a race to the bottom and reducing our employment protections to the bare legal minimum in all respects.
- 2) We are not convinced that fairness requires equal treatment. The Model Employment Statute introduced in 1988, after the abolition of tenure, was designed to ensure University Councils fulfilled their Chartered responsibility to protect academic freedom, not just in principle, but in day-to-day practice. Academics need the additional safeguards contained within the employment statute because a fundamental part of their job is questioning received wisdom. Some of you will have been part of an Academic Redundancy committee, a disciplinary tribunal, a grievance committee and/or an appeal hearing. These events can be time-consuming and there might be ways to expedite their various stages. However, it is vital that academic members nominated by Senate and lay members of Council continue their involvement in redundancy decisions and serious disciplinary procedures. This level of independent scrutiny reassures academics that they cannot be victimised by their Head of Department and/or Chair of Faculty for pursuing

unpopular areas of research or subscribing to less-favoured epistemologies. It also obviates the need for academics to self-censor their work. We understand that the statement about academic freedom will be retained in Statute, but none of the draft policies make any reference to it. This is not surprising given that the policies were originally written for staff not covered by Statute, but it is concerning.

The changes with respect to academic redundancy are particularly problematic and the latest version of the revised Statute is still significantly worse than the original. Under Statute 24, academic redundancy involves nine steps and takes between two and five months to issue a redundancy notice. Under the new policy, Heads of Department can issue individual redundancy notices after 30 days (this being the statutory minimum). Unlike other staff groups, academics have little chance of being redeployed elsewhere in the university, a fact acknowledged by section 7.4 of the Redeployment policy.

In light of this, we cannot agree with the statement in [Statute 24 FAQs](#) that “Moving employment provisions for academic staff out of Statute 24 and related Ordinances will not make redundancies easier in any way”. We do not doubt the sincerity of the university’s current leadership nor their desire to avoid redundancies. However, there is no guarantee the next generation of leaders will feel the same. Our fear is that, over time, the sacking of academics will become routine with serious consequences for the pursuit of knowledge.

Other universities have recently reviewed their employment statute. Some, including Manchester and Oxford have chosen to defend academic freedom as vigorously as possible, by retaining, in Statute, high levels of Council oversight and independent scrutiny. This sets them apart as places where the testing of received wisdom is not merely allowed but wholeheartedly endorsed; where the voicing of controversial/unpopular opinions, in the pursuit of knowledge, is not merely tolerated but actively encouraged. We trust that you will want Warwick to follow their progressive lead.

That being so, we respectfully request two things at this time:

- 1) Allow Warwick UCU and the leadership team to agree the best possible reform of our employment statute by lifting the pre-determination that all the detailed procedure in Statute 24 must be repealed and all policies must apply to all staff;
- 2) Allow a longer period of consultation. This is hugely important work and other universities have taken longer to reach an outcome that is mutually agreeable and likely to endure for decades.

Thank you for taking the time to read our arguments in full. If you require any further information, please email Claire Duffy, our administrator, on [administrator@warwickucu.org.uk](mailto:administrator@warwickucu.org.uk)

Best wishes,

Warwick UCU Committee