

FAQs from the all staff meeting held on 10 May 2017

1. Why has the University chosen to commence its review of governing instruments by focussing on Statute 24?

The review of Statute 24 is a sub-component of a bigger piece of work, to review the University's Statute and Ordinances.

The original request for a review of the University's governing instruments was made by Council in 2012 who questioned why staff groups were treated differently in terms of the employment policy provisions.

Statute 24 governs the employment provisions for academic staff relating to disciplinary, grievance, redundancy and medical incapacity. Because of this, the University has spent more time consulting with the staff community and Trade Unions regarding this than the other work that is being conducted as part of the wider review.

It is important to note that the Statute was written in 1988 after the Education Reform Act and Warwick is behind many other universities seeking to review their Statutes.

2. Is the University looking to review policies for non-academic staff whilst undertaking a review of Statute 24 and related Ordinances?

Through the review of Statute 24 and related Ordinances, the University intends to create a common policy framework which will be applicable to all staff groups. This has created an opportunity for the University to ensure that the policies relating to disciplinary, redundancy and grievance and the provisions within the sickness absence policy and procedure relating to medical incapacity are up to date and fit for purpose.

All Trade Unions have been consulted with regarding the proposed changes to the policies and procedures.

3. By simplifying the redundancy procedures for academic staff, two opportunities for an appeal, i.e. the right to make representations to an Academic Redundancy Committee and to a barrister have been removed from the proposed policy. There is therefore uneasiness regarding job security.

Each policy, including the proposed redundancy policy contains an appeal provision.

The right to have an appeal heard by a solicitor or barrister of 10 years standing has been removed from the draft policy. Warwick is not the only university to have done this in reviewing its statutes.

It is important to note that the Academic Redundancy Committee (commonly referred to as AReC) is not an appeal mechanism, but is part of the current redundancy consultation process with academic staff. AReC makes a recommendation to Council as to whether a redundancy should be confirmed or not. Only once Council has approved AReC's recommendation and an individual has been served with notice of redundancy, can an appeal be made. There is therefore currently only one opportunity to appeal in the statutory procedures and this is in line with the proposed draft redundancy policy and procedure.

4. What are the reasons for removing the appeal to a barrister? Other universities have reformed their Statutes in different ways such that this provision has not been removed.

The University believes that an appeal being heard by a barrister can be a stressful, daunting and expensive process, which can privilege some staff over others.

It is important to note that a barrister is appointed to a chair an appeal panel only. They do not provide any legal protection to the individual appellant. Due to their knowledge of the University, Warwick has found that Council members have provided greater input and challenge on appeal panels than the barrister appointed to chair the panel.

Universities that have reformed their statutes have adopted a variety of approaches, with some retaining certain provisions and others having removed them. Warwick has adopted a middle ground approach by seeking to retain principles in Statute and moving detail into policies and procedures. Warwick has also sought to introduce additional processes relating to academic freedom to Statute, such as including an early review of academic freedom where requested by an individual, together with the right of appeal against dismissal where academic freedom is cited as the reason for dismissal.

5. Will moving employment provisions from Statute to policies and procedures mean that the policies and procedures can be changed at any time?

The policies and procedures will be subject to Council approval and the University's governance processes.

This has been enshrined as one of the principles in the draft Statute document and it has been done so in order to assure the staff community that such policies and procedures cannot be amended without Council oversight.

6. How does the University respond to concerns regarding the apparent streamlining of the draft redundancy policy?

The University has received feedback that the current process is stressful for individuals and unnecessarily elongated. The draft policy therefore seeks to address some of these concerns by commencing a redundancy consultation process once the University has all of the information required.

7. What is the rationale for streamlining the process?

The current redundancy process as laid out in Statute requires the University to commence a redundancy process earlier than it would ideally do so. This is due to the fact that prior to redundancy consultation commencing there is a preliminary approval process involving both Council and AReC members. The University therefore has to frame the consultation process with the affected individual(s) around Council dates (which are limited) thus unnecessarily prolonging the process.

8. Who is currently covered by the Academic Redundancy Committee process?

Members of academic staff on indefinite linked to funding contracts and open ended, i.e. permanent contracts are covered by the Academic Redundancy Committee process should their roles be at risk of redundancy.

Members of academic staff on fixed term contracts are not covered by the Academic Redundancy Committee process.

9. The principle of reducing ambiguity does not appear to have been achieved. Many people feel that the draft policies enhance the role of Head of Department and people feel threatened by this.

The University has introduced a process regarding an early stage test/review of academic freedom. Such a review would be conducted outside the Department and therefore would alleviate concerns regarding the Head of Department.