

Statute 24 reform FAQs

Please contact emprelations@warwick.ac.uk if you have any questions that are not answered below.

Reason for the review

1. What is the reason for the review?

The University Council commissioned the University to undertake a comprehensive review of all statutory instruments, including Statute 24 and its related Ordinances (specifically Ordinance 19, 20, 21 and 22) as they relate to the University's procedures for Disciplinary, Grievance, Redundancy and Removal for Incapacity on Medical Grounds for Academic Staff.

The University Council observed through their involvement in current statutory processes that Statute 24 and related Ordinances are unduly complicated and unnecessarily adversarial.

The University shares the University Council's view. Further, the University recognises that some of the provisions are not compliant with current employment law and ACAS guidelines, for example, there is no right of appeal against a grievance decision. The procedures laid down in Statute 24 and the related Ordinances are unnecessarily drawn out and unclear and therefore can lead to uncertainty and anxiety for many academic colleagues.

The University wants to ensure through this review that there are a set of policies and procedures that apply to all staff groups, ensuring fairness and equity across the staff community.

2. Why can't Statute 24 and the related Ordinances just apply to all staff?

Provisions within Statute cannot be easily changed and therefore can become quickly out of date with contemporary employment law.

The University believes that moving the provisions from Statute 24 and related Ordinance into policies and procedures will make the University more agile and responsive to any employment legislation changes.

Given that a significant number of employees are on non-academic contracts, the University also believes the legalistic, intimidating and expensive nature of the current statutory procedures would be detrimental to many staff.

3. Have any other universities done this?

Yes, the University is undertaking a similar exercise to that at many other universities. There have been a variety of different approaches adopted, however, Warwick is certainly not proposing anything revolutionary in the sector.

Timeline

4. What is the timescale for the review?

The University is currently consulting with Trade Unions regarding the proposals and intends to present the outcome of the review to the University Council in May 2017 with submission to the Privy Council over the summer period of 2017.

It is hoped that the new policies and procedures will be effective from the new academic year 2017/2018.

Academic freedom

5. What is academic freedom?

Academic freedom is a statement enshrined in the University's Statute which ensures that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas or controversial or unpopular opinion, without placing themselves in jeopardy of losing their jobs and privileges.

6. Will academic freedom be removed from Statute through this review?

No, the University remains absolutely committed to the principle of academic freedom.

7. How will the University ensure that academic freedom is preserved?

The University will enshrine the following statement in Statute to ensure that academic freedom is preserved. Furthermore, the University has made provision within the revised Statute for the hearing and determining of appeals by members of the Academic Staff in specific circumstances and where they invoke the academic freedom statement enshrined in Statute.

Academic freedom statement

"The University's policies and procedures shall be construed in every case to give effect to the following guiding principles, that is to say:

- (a) to ensure that Academic Staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs and privileges;*
- (b) to enable the University to provide education, promote learning and engage research efficiently and economically;*
- (c) to apply the principles of justice and fairness in line with relevant legislation, regulation and good employment practices; and*
- (d) to avoid unlawful discrimination and promote equality of opportunity, dignity at work and good relations with the University."*

Consultation

8. How can staff feed into the proposals?

The University is consulting with Trade Unions as the representative bodies for the staff community. The University encourages all employees who are members of a Trade Union to feedback their views on the proposals via these bodies.

For employees who are not members of a Trade Union, the University welcomes your feedback on the proposals via emprelations@warwick.ac.uk.

You are also able to raise any queries via emprelations@warwick.ac.uk so that we can ensure that your question is answered and added to the FAQ page.

9. Are the Trade Unions involved in the consultation?

Yes, consultation with the Trade Unions commenced on 6 December 2016.

10. What has been Trade Union feedback to the proposals?

The University has received positive feedback for the proposed changes from most of the Trade Unions. Where negative feedback has been received, the University has encouraged the Trade Unions to clearly articulate their specific concerns and proposals so that the University can respond accordingly.

11. Why is the Students' Union being consulted about matters which affect staff?

The review of the governing instruments is broader than Statute 24 and related Ordinances, however, those are primarily the ones that affect staff.

Due to the broader review, the University will consult with the Students' Union where appropriate on non-staff related matters.

Terms and conditions

12. Will there be any changes to my terms and conditions of employment?

The University proposes minimal changes to terms and conditions of employment - for example, the University will update nomenclature where necessary.

As part of this review, the University is also proposing a more fundamental change to those working on term-time only and designated weeks of the year contracts – see question 23 below.

Legal obligations

13. Will the University be legally obliged to follow the new policies?

The University is obliged to abide by employment legislation irrespective of whether the employment provisions are referenced in Statute or a policy or procedure.

Therefore, the University will still be bound by employment law under the new proposed arrangements, and the new policies will respect this. It is also important to note that many aspects of the proposed policies exceed the required legal minimum.

14. Will legal protection for individuals be removed with the abolition of Statute 24 and related Ordinances?

No. Please see answer above – as an employer, the University is bound by employment legislation which provides a framework of protection to all employees.

Non-academic staff

15. Will staff on non-academic terms and conditions be affected by the proposed changes?

There are minimal changes proposed to the current policies for non-academic staff, with the exception of sick pay for those on term time only and designated weeks of the year contracts, see question 23.

Please liaise with your Trade Union regarding the proposed changes and send any specific queries to: emprelations@warwick.ac.uk.

Redundancy policy

16. Will the proposed changes to Statute 24 and related Ordinances affect job security?

No, the proposed changes to Statute 24 and related Ordinances will not affect job security.

17. Will the proposals mean an end to Enhanced Voluntary Leavers Scheme (EVLS) payments?

The proposals will not mean an end to Enhanced Voluntary Leavers Scheme (EVLS) payments.

The University will continue to consider mitigating compulsory redundancies through the availability of a voluntary redundancy scheme such as EVLS where it is possible to do so. This would apply regardless of whether staff are academics or not. The offering of an EVLS is unrelated to Statute 24 and related Ordinances and has in the past been offered to all staff groups, i.e. academic and non-academic staff and in situations where no academic staff have been affected.

18. Will redundancy legislation still apply?

As an employer, the University will continue to be bound by all employment legislation including that pertaining to redundancy.

19. Is the purpose of the review so that the University can make redundancies easier?

No. The purpose of the review is to ensure that the employment provisions governing staff are fair and equitable across all staff groups and in line with contemporary employment law.

Moving employment provisions for academic staff out of Statute 24 and related Ordinances will not make redundancies easier in any way. The University only resorts to making redundancies where all other options have been exhausted.

In the event of having to make redundancies, the University will still be required to meet its obligations under employment law. As such, the University will still be required to have a justifiable rationale for all redundancies, in line with employment law provision. The University will continue to be legally required to consult with the individuals affected and to consult with Trade Unions as required under current employment legislation.

Disciplinary policy

20. Do the changes make it easier for the University to invoke the disciplinary policy?

No. The University will still be required to meet its obligations under employment law and, therefore, Human Resources will continue to work closely with Schools and Departments to ensure the application of our disciplinary policy is fair and legally compliant.

Grievance policy

21. Will the proposals give an opportunity for an appeal against a grievance decision?

Yes. Non-academic employees already have this right under the non-academic grievance policy. The University is proposing that all employees should have the same right to appeal against a grievance decision. The proposals represent a significant improvement to the current provision for academic staff because Statute 24 does not give academics the opportunity to appeal against a grievance decision. This is against the ACAS code of practice.

Sickness absence policy

22. What is the impact of the review on the sickness absence policy?

The sickness absence policy already applies to all staff, with the exception of one element – the provision relating to ‘removal for incapacity on medical grounds’ which is currently detailed separately for academic staff in Statute 24.

The revised policy incorporates provision for dismissal on the grounds of lack of capability to include academic staff, when it becomes clear that the employee is no longer fit to carry out their role. This option would only be taken as a last resort and after full consultation with the employee.

23. Will term-time only staff have to accept new contracts?

There is an anomaly in the University’s term-time only contracts, including those working on designated weeks of the year contracts. This is because, currently, pro rata, an employee on a contract of this kind, receives more sick pay than an employee working throughout the whole year, whether on a full or part-time basis.

The University is therefore proposing that the sick pay entitlement for this group of staff is brought in line with full and part-time staff who work the full year. This is again to ensure fair and equitable treatment across all staff groups.

As this is a potential amendment to current terms and conditions of employment, the University will negotiate this change with the Trade Unions.

Other

24. What is the University Council’s role in this process?

In order for any proposed policies to be implemented at the University, they must be approved by the University Council and the Privy Council.

The University is proposing that any future changes to the disciplinary, grievance, sickness absence or redundancy policies are subject to the oversight of the University Council.

25. What is the Privy Council?

The Privy Council is the part of Her Majesty’s Government which advises on the exercise of powers and certain functions assigned to The Queen and the Council by Act of Parliament.

Much of the day-to-day work of the Privy Council Office is concerned with the affairs of Chartered Bodies, of which the University is one.

A chartered body may not change its statutes without the approval of the Privy Council.

26. Will the provisions in respect of the role of the Vice-Chancellor be removed from Statute?

No, the University will retain the provisions in respect of the Vice-Chancellor in Statute, which will be subject to the authority of the University Council.