

Joint Report of the Council and the General Board on disciplinary, dismissal, and grievance procedures

RESPONSE

The proposals set out in the Joint Report are not, as suggested in another flysheet, a 'Trojan Horse'. They are not intended to make dismissal easier, and will not have this effect.

Selection for redundancy

It has been suggested that membership of redundancy selection committees would, under the proposals, be too broadly defined. However, the only difference proposed is that membership of such committees would not in future be confined to members of the Council and General Board. There is no reason to think that this would make redundancies easier to bring about.

Redundancy procedure

It has been argued that the proposed procedure gives the competent authority the power to vary the scope and extent of any redundancy situation after the Regent House has voted to initiate a redundancy process. This is not the case. The competent authority would have no power to extend the redundancy situation to areas of the University not covered by the vote of the Regent House.

Redundancy appeals

It has been argued that the Septemviri should be retained for redundancy appeals. Under the proposals the Septemviri would be replaced, in this context, by an appeal committee consisting of three members selected from standing panels (similar to the process of selection for the University Tribunal). The role of this committee would be exactly the same as that of the Septemviri under Statute U. It would differ from the Septemviri only in terms of the size of its membership and the provision for standing panels. This change was not made with a view to weakening the appeal process and it is hard to see how it could do so.

Time limits

It has been suggested that the 28-day time limit for lodging redundancy appeals should be retained. The 10-day limit was proposed because it was thought to give sufficient time for the grounds of an appeal to be lodged, bearing in mind the prior consultation that will have occurred and also the need to avoid undue delay in the conduct of appeal hearings.

Dismissal procedures

The grounds for good cause dismissal have not been widened, as claimed. Inclusion of a reference to 'gross misconduct' is required by the ACAS Code of Practice on Disciplinary and Grievance Procedures, as is guidance on what may constitute gross misconduct in an appropriate case. The matters listed in the draft guidance, such as unreasonable refusal to obey a reasonable instruction, could only provide grounds for dismissal if they amounted to serious misconduct in the circumstances. The phrase 'conduct of an immoral, scandalous or disgraceful nature' has been removed because it is unnecessarily broad (it is capable, for example, of extending to conduct occurring outside the employment context).

Discipline and dismissal of 'underperforming' staff

It has been suggested that the proposals do not address student concerns about underperforming staff and staffing arrangements which are not responsive to their learning needs. It is true that the proposals would not make it easier for allegedly underperforming staff to be disciplined or dismissed. That is because existing procedures are considered adequate to this task. If there were evidence of underperformance in the sense suggested, Statute U would currently provide a sufficient basis for the necessary disciplinary action to be taken. This will continue to be the case in future.

You are urged to vote 'placet' to Graces 1 and 2 or, alternatively, 'placet' to Grace 2.

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