

Congregation Postal Vote – Protect Your Employment and Academic Rights

The information below presents a summary of why it is important to vote **against** the constitution of a Redundancy Panel in this specific case for a permanent member of staff. The proposed redundancy is not within the definition of a redundancy under Statute XII of the University's statutes. This means that the Panel has no jurisdiction to consider the case.

Statute XII only permits a postholder at grade 6 or above to be made redundant if their work is ceasing or diminishing. Clear evidence presented to Congregation on 25th June demonstrated that this test was not met and the resolution to appoint a Redundancy Panel in this case was rejected. An electronic postal vote, administered by Civica, will open on **18 July** and close on **1 August**, and members of Congregation are again urged to vote it down because, if passed, it will set a precedent undermining your employment and academic rights.

Statute XII requires a "prior decision" of Congregation to establish any Redundancy Panel. The redundancy proposed here by St Cross College, which is not an independent college but a "department" of the University, has been brought before Congregation to decide whether the case should proceed to forming a Redundancy Panel. Since St Cross has no statutes of its own, the College is required to follow the University's statutes. For instance, unlike an autonomous college, St Cross's annual finances and every election of its Master as Head of House require scrutiny and approval by Council. Congregation's involvement does not evince a lack of trust in St Cross decision-makers (in this case its Governing Body), but simply reflects Congregation's role in University decisions.

The retention of an oversight role for Congregation was key to maintaining Statute XII's stringent protection against redundancy for University employees, defended by Congregation in previous debates (2014-16). The protection of job security is a key plank in the special regime for academic employment in the Education Reform Act 1988. This principle ensures that the distinctive needs of employment and the protection of academic freedom in the University are safeguarded.

In the specific case being voted on here, no evidence for a redundancy under Statute XII has been presented:

- The College made it clear during the Congregation debate in the Sheldonian that it accepts that there is no cessation of the work carried out by this employee. That work will continue to be undertaken through a range of roles, including newly created roles.
- There is no reduction in the number of employees. In fact, the number of employees at St Cross will expand and the work which the targeted employee is carrying out will be reallocated to newly created posts employed at a more junior grade.

The case, as outlined above, does not meet the threshold for a redundancy as set out in Statute XII and would set a precedent in breach of the University's statutes, which could be applied in the future to any employee up to now protected by Statute XII. In this specific case, as recorded at the College's Governing Body, it is clear that the College's rationale runs counter to what Statute XII permits:

- For instance, on whether the removal of the postholder's role would result in more work for other fellows, the College "assured Governing Body that this was not the intention, and that **all activities would be accommodated...**"
- "There was a further concern voiced about whether – if the work was being redistributed – the role of the [postholder-job-title] could be retained, **since the work still had to be done. In response, the [College] outlined that the intention was to reallocate work to staff of a lower grade...**"
- Another question was asked about the reputation of the College if it didn't have the named role. The College "confirmed that if the proposals were agreed, **the College would have such a role...the [junior-postholder-title] will fulfil this role...**"

Despite this, St Cross has claimed that if a Panel is not convened it will be unable to proceed with its proposed restructure preventing it from achieving its strategic objectives. Arguing that the College's entire strategic plan hinges on the redundancy of a single postholder is not credible.

In such circumstances, the requirement under Statute XII of a "prior decision" by Congregation performs a critical role in the University's system of constitutional checks and balances. In certain cases, when there is clear immediate evidence of a redundancy situation or the case presented is more finely balanced, it may be appropriate for Congregation in its governance role to decide to appoint a Panel. However, in this case, where the presented evidence points strongly away from redundancy and straightforwardly outlines a restructuring situation, there is a real risk of procedural abuse. Since there is no evidence of a redundancy situation, this is a clear case where Congregation must set boundaries for the procedure. Moreover, while a Panel can refer the matter back to Congregation where wider issues are raised by a specific case, this is a choice by Panel members rather than a duty. It is Congregation's duty to protect the integrity of the University's statutes.

As one of the speakers opposing the resolution to appoint a Panel in this case argued during the debate held in the Sheldonian: "The Constitutional role of Congregation cannot be performed by a Redundancy Panel. I have been a member of the Statute XII pool of Congregation members since 2017. Not once have I heard academic freedom being discussed during Panel deliberations or other strategic questions asked. Such Panels simply focus on the information provided to them about the specifics of the case and assess the consistency with University procedures. They do not reflect on the broader constitutional implications." One can add that the Panel cannot question whether the governance decision by Congregation to set it up in the first place was warranted.

If Congregation does not have a meaningful governance role in cases such as the one being considered here, where there is a clear risk of abuse of process and irreparable harm to the job security of the postholder as well as the setting of precedent, it is difficult to envisage when Congregation would have any role to play. This would leave the requirement of a "prior decision" by Congregation contained in the University's statutes effectively superfluous.

Members of Congregation are urged to vote **against** this resolution, which would undermine protections in the University's statutes safeguarding employment security and academic freedom for all University staff members at grade 6 and above.

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