



Gazette supplement



Voting on a Resolution to constitute a Redundancy Panel under Statute XII

Congregation **25 February**

Professor Chas Bountra, Pro-Vice-Chancellor
(Innovation)

There are two items of business before Congregation today.

Would you please be seated?

The first item of business is voting on a resolution authorising the allocation of space in the Alden Press Annexe to Gardens, Libraries and Museums. No notice of opposition has been received. I therefore declare this resolution carried.

The second is a resolution on convening a Redundancy Panel submitted by Council. The resolution, together with an explanatory note, was placed on the agenda of this meeting in the *University Gazette*, published on 30 January.

We will accommodate all pre arranged speakers and try to give members of Congregation an opportunity to speak from the floor, bearing in mind that we aim to proceed to voting at 3.20pm.

Please would speakers come forward and speak into the microphone, first giving their name and college or department? Speakers are asked not to speak for more than 5 minutes, and to confine their remarks to themes relevant to the resolution. The anti-loquutor device will indicate a speaker's final minute with an amber light, and then turn red at the end of that minute. At this point speakers should conclude their remarks; otherwise I will have to ask speakers to return to their seats.

At the conclusion of all the speeches, a vote will be called. Members will be invited to place their voting papers in a ballot box at one of the exits to the theatre.

Each member of Congregation will have one vote. A member may not leave a completed voting paper with another member. Only a member's personal voting paper will be accepted. Any member who cannot stay until I call the vote will not be able to vote.

I shall first call Antony Willott, Head of the Planning and Council Secretariat, to move the resolution and Markos Koumaditis, Director of People Department, to second it, and Professor Mark Middleton who will also speak in support of the resolution.

I shall then call Dr Dylan Carver to oppose the resolution and Professor Aris Katzourakis to second that opposition. Boyd Roger will then speak, taking a neutral position.

At the conclusion of the debate, I will invite first Antony Willott and then Dylan Carver to reply.

I call on Antony Willott, Head of the Planning and Council Secretariat to move the resolution.

Antony Willott

Good afternoon, everyone. I am Antony Willott, I am the Director of Planning and Council Secretariat (PACS), and I am proposing the constitution of a Redundancy Panel following a lengthy and thorough internal process within my department, that started in January 2024. Thank you very much for coming to listen to our case today.

PACS is a small department in UAS (central services), responsible for planning and governance. Our budget has been set for a three-year period, which we are halfway through. When that budget was originally set, we were asked to make savings over the three-year period, in order to keep down the cost of the service charge to academic departments.

We have therefore been reviewing activity across the department to see what activity was no longer essential or where processes could be changed, to ensure that we could meet our cost-savings target and use the funding we receive from departments as efficiently as possible.

We have changed how we deliver some services, and altered processes to remove the need for manual activity and input in other instances. These build on changes that started during the pandemic so they have been in train for quite a while now.

As a consequence of these changes, it became clear that one of the roles in PACS was no longer required in its current form – and after a job evaluation of our current requirements, we were advised that in its new form the role needed to be regraded from a grade 6 to a grade 5.

Following that, we have been through a lengthy process to get to this point. A three-month consultation process was started last January after discussions with UCU; the individual at risk of redundancy did not take up an option to be put forward for priority re-deployment elsewhere in the University; nor did they wish to be considered for the new grade 5 role. Since the formal consultation finished last spring, there have been ongoing discussions to try and reach a fair settlement, that have not proved successful.

I am therefore asking Congregation to support the constitution of a Redundancy Panel as the next step in the process mandated by Congregation itself, so that an independent panel can consider this matter with all the information available to it and come to a reasoned decision. I would remind colleagues that the details about the specific circumstances are required to be confidential in the interests of the individual – I cannot address them now, and it would be for the independent members of the Redundancy Panel, appointed by Congregation, to look at the totality of the circumstances and come to a view.

I would say that every effort has been made to consider other options for the staff member in question, but I do have a responsibility to ensure that the money departments provide to my service is used as efficiently and effectively as possible – ultimately so that money can remain in academic departments to support the academic endeavour.

I will finish by quoting the *Oxford Magazine's* most recent edition:

“it must be possible, in the interests of efficiency, for the University to terminate jobs where a certain role is no longer needed or funding ceases.”

I urge you to vote for the resolution, so that the process mandated by constitution can take its course.

Thank you.

Professor Chas Bountra

I call on Dr Markos Koumaditis, Director of People Department, to second the resolution.

Dr Markos Koumaditis

Good afternoon, colleagues. I am Dr Markos Koumaditis, Director of HR at the University, and I am speaking today in support of forming a Redundancy Panel to review the proposed redundancy.

Statute XII and its regulations aim to ensure that the University effectively provides education, promotes learning and carries out research. Making redundancies is considered as a last resort after all the other options have been explored to achieve this outcome.

As members of Congregation, I will ask you to remember this when casting your voting today.

The University's procedure for considering cases of potential redundancy is set out in three places:

- the Part B of Statute XII,
- the Regulations for the Redundancy Panel found in Council Regulations, and
- the University Redundancy Procedure, which was produced in consultation with the trade unions.

Before a proposed redundancy is referred to Congregation, the University Redundancy Procedure requires advance warning and consultation, as well as consideration of alternatives to compulsory redundancy. The purpose of this requirement is to avoid compulsory redundancies whenever possible and should be exhausted in all cases.

The role of Congregation today is to determine whether a Redundancy Panel should be established. It is not to evaluate the case being presented. Only high-level and limited information has been provided so far to the Congregation and therefore it cannot assess if a specific proposal fits the University's definition of harassment or redundancy – apologies – or meets the criteria for a fair dismissal due to redundancy, nor is it being asked to do so.

The decision made by the Congregation today will not set a precedent for future cases. It pertains solely to whether a Redundancy Panel should be established to evaluate the proposed redundancy dismissal of a single staff member of the University Administrative Services.

What is the role of the Redundancy Panel?

The designated function is to scrutinise the case in front of them.

It's comprised of five members established from and by Congregation, drawn by lot. Members of the panel are trained and supported by Human Resources and have access to legal advice, if required.

The Redundancy Panel receives comprehensive information on the reason for a proposed redundancy, the measures taken to prevent it, and the specifics of the consultation process. Individuals can provide statements and attend a Panel meeting to present their case. Also a representative from the University and College Union is invited to be present as an observer.

The Panel must review the cases and if they find that there are conditions unmet, they will return the proposal for further review and consideration.

In summary, I hope you are assured that all the processes in place aim to avoid compulsory redundancies whenever possible.

The Congregation's role today is to decide whether to establish a Redundancy Panel and it is only fair to follow our established procedures and trust our colleagues to assess this case impartially. Thank you.

Professor Chas Bountra

I call on Professor Mark Middleton, in support of the resolution.

Professor Mark Middleton

Good afternoon. I'm Mark Middleton. I work in the Department of Oncology, which I've headed since 2017.

I'm speaking in favor of the resolution today, having driven a very large change programme in my department some 4 years ago, occasioned by a very significant loss of funding. Our success in Oxford is built upon our ability to blend a respect and honouring of our fantastic traditions with adaptability and innovation that keeps us at the forefront of research, education and scholarship.

The ability to adapt is essential here, and it does require us to be able to change how we staff our departments and the roles within that and I'm here to tell you today that our processes, as described by the previous two speakers, work very effectively in this regard, where

there is a case to make significant changes. Redundancy is only one part of that and the very end of a very long and detailed process which is extremely rigorous and tests all of the alternatives exhaustively before we consider forming a Redundancy Panel.

The reason I say that this is important and indeed essential for those of us who are charged with the health of subsets of the University such as a department, is that back in 2021, my department faced really a crisis that governed its very existence because of such a significant loss of funding. By going through that process, redefining our strategy and with the support of the HR and central University functions, we've been able to safeguard great jobs for 300 staff and the students that they teach. The process works.

As part of that process, although the department has shrunk in size by about 25%, we ended up in a position where redundancy was only a consideration, other than through voluntary schemes, for 2 individuals. I can also speak to the function of the Redundancy Panel, one of which was convened to discuss one of the cases. It's a very thorough process which examines all aspects that have led up to the decision or the request for permission to declare a post redundant, and I urge you, therefore, to support the resolution which doesn't conclude this process, but rather triggers a very significant overview of everything that's gone before on our behalf. Thank you.

Professor Chas Bountra

I call on Dylan Carver to oppose the resolution.

Dylan Carver

Good afternoon. I'm Dylan Carver. I work at St Peter's College and the Faculty of English. Colleagues, the case for the opposition to the formation of Redundancy Panel comes down to this. There is no genuine redundancy situation at UAS; redundancy is not therefore the real reason for the proposed dismissal. Furthermore, alongside these fundamental issues, there have been a range of procedural irregularities which call the whole validity of the process into question.

As I said, these are fundamental points of opposition, and therefore I want to start with the fundamentals – that is, with Statute XII itself. This is Section 7, and I quote:

'7. For the purposes of this statute dismissal shall be taken to be a dismissal by reason of redundancy under Part B if it is attributable wholly or mainly to:

(1) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed by the University, or has ceased, or intends to cease, to carry on that

activity in the place in which the person concerned worked; or

(2) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, or to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.'

That is what Statute XII defines as a redundancy, and it essentially repeats what the law – Section 139 of the Employment Rights Act 1996 – defines as a redundancy. This is important, because if these conditions are not met, but an employee is dismissed regardless, then legally what we are facing is a case of unfair dismissal. Based on conversations we've had with the affected UAS employee, myself and others feel that there is a risk that this is the direction we are currently headed in. If such a ruling were indeed to be handed down, it would needless to say be both costly and damaging for the reputation of our University. This at a time when the University has recently been embarrassed at employment tribunal for its illegal employment practices.

But has the employer reflected sufficiently on that outcome? I'm afraid that the business case for this proposed dismissal suggests that the answer may be 'no'. There are three issues in particular that I need to make you aware of today. Firstly, that the business case is based on an outdated job description for the affected role. The job description used is over 15 years old, written at a time when the current employee was not yet even in post, and when it was still a part-time, 0.6 FTE, role. Today the role is, and has been since 2008, full-time, meaning that the redundancy procedure so far has ignored 40% of the work performed by the employee. In fact, the business case only refers to one of four work streams associated with the role. This is not a small problem; why has it not been flagged earlier?

This brings me to the second issue I need to highlight. Namely, that there has been very little actual consultation between the department and the employee. Please consider the following timeline. The employee was informed on 16 January 2024 that they were being put at risk of redundancy. They then requested, and received, a copy of the business case. On 30 January, the employee additionally requested a copy of the documents referenced in the business case, including a copy of the job description used. On 15 March, they did not receive a response to this request, but instead received an email stating that the Director of PACS had 'seen all the relevant documents'. Eventually, at 4.45pm on 27 March, 15 minutes before the University Offices closed for Easter break, the department sent the requested job description. In brief, the department waited until the close of the consultation period. It was

then too late for the employee to be part of a meaningful consultation.

The third and final issue I need to flag is this. Although the business case suggests that the activities performed by the affected grade 6 employee have diminished and are expected to diminish further, the affected employee believes that the work is merely being redistributed. Indeed, the business case states that half the work will be passed onto a grade 5 employee, and other parts of the current role will silently be taken up by more senior colleagues at grades 8 and above. This would not, then, meet the University's, nor the legal, definition of a genuine redundancy situation. If Congregation were to ratify the request to form a Redundancy Panel, it would therefore set a very serious and dangerous precedent, and I hope you will join me in voting it down. Thank you.

Professor Chas Bountra

I call on Aris Katzourakis to second the opposition.

Aris Katzourakis, Department of Biology, St Hilda's College. Esteemed colleagues, members of Congregation.

We are here to defend fairness, justice and the values that define Oxford University. The proposal to convene a Redundancy Panel for a role that is central to the governance and democratic integrity of this institution is procedurally inappropriate, ethically troubling and legally risky. I urge you to reject it.

Technology cannot replace the nuanced judgment and impartial oversight that highly qualified individuals in governance provide. In an era of global democratic scrutiny, this role is more crucial, not less. Redundancy requires proof the role has 'ceased or diminished' – no such evidence exists. To proceed without it contravenes fair process. Is democratic accountability and good governance really less important to our institution in this day and age?

This individual has served Oxford with distinction for more than two decades – overseeing governance, leading union advocacy, scrutinising procedures and advancing health and safety reforms. Their only 'fault' appears to be consistently asking challenging questions. But critical inquiry defines us. Penalising it betrays academic freedom, and the values our institution holds dear.

Our own statutes, in particular Statute XII Part A section 1, enshrine the rights of staff to put forwards unpopular opinions including their opinions about the University, without placing themselves in jeopardy of losing their jobs.

Additionally, the Trade Union and Labour Relations Act shields union activity from retaliation. This individual's

leadership in union, governance and health and safety roles is legally protected.

The timing is indefensible. This individual returns from life-threatening illness – a period protected under the Equality Act 2010, which prohibits discrimination arising from disability. To target them now risks breaching this duty. Statute XII, Part A Section 4, commits us as an employer to promoting diversity and equality among all the University's staff.

Redundancy addresses obsolete roles, not inconvenient individuals. The role remains vital, yet the individual faces the premature end of their career. The Equality Act 2010 mandates reasonable adjustments for disabled employees. Ignoring all of this neglects principles, procedure and compassion.

Colleagues, this is about who we are. Do we discard committed, dedicated employees after illness? How do we treat those who advocate for safer and better workplaces? Or those who pursue the upholding of governance processes? To proceed risks reputational harm and legal challenges – but worse, it betrays our commitment to the values we hold dear and define our institution.

Vote against this panel. Uphold fairness. Protect our colleague, and the governance of our institution. Thank you.

Professor Chas Bountra

I call on Boyd Roger.

Boyd Roger

Senior university officers, members of Congregation. I'm Boyd Roger with the Nuffield Department of Population Health. This afternoon, we debate a motion to set up a Redundancy Panel under Statute XII. This is the second such motion in 8 months. My focus today is on the role of Congregation when presented with a redundancy motion, and how we decide to vote when so little information is presented.

Apart from the other speakers, I know as little as you about the case.

We are told the University's redundancy procedure has been followed and alternative options exhausted. Now the case is before us, and it is in our hands for the duration of the debate.

The originators of Statute XII back in 2014 to 2016 put this step of involving Congregation into the procedure for several reasons, as listed in Part A of the Statute:

- to protect academic freedom
- to ensure cases have been managed according to the principles of fairness and justice, and
- ensuring the impact on equality and fairness has been considered.

Congregation is open to taking a strategic view of the motion.

We do have a definite role and it goes beyond rubber-stamping the motion. We are duty bound by conscience and our self-governing community of ethics to ask inquisitive and critical questions.

For example, can we be reassured the Redundancy Panel will subsequently refer the case back to Congregation if a significant issue arises?

In response, I ask: how many of the 47 Statute XII Panel hearings since 2017 have referred cases back to Congregation? The answer is none!

So, it is incumbent on us to allow our thinking to probe, scrutinise and critique how we will vote based on the arguments.

Both sides of the argument are at a disadvantage since they are limited, for confidentiality reasons, in what they can say. However, the Proposer, during the summing-up can answer some questions Congregation may have.

I suggest the following generic questions will help those of us yet undecided. How well they are answered is for us to decide.

My three questions are:

1. At what point was redundancy for the individual at the centre of the case proposed? This tests the integrity of the process. Was it a stated objective at the outset or did it appear later for administrative reasons?
2. What impact will the redundancy have on users of the service provided by the department? This is where Congregation can consider the wider strategic implications of the position.

Third question: was an equality impact assessment completed as part of the redundancy procedure?

The day when Congregation silently approves redundancy motions, like this, will underline why such motions need to be brought here. Probe, be inquisitive, and critically question what you have heard to decide how to vote. Surely, the individual who is the focus of the motion deserves that of us. Apologies for the cough.

Professor Chas Bountra

We have some time remaining before proceeding to the vote at 3.20pm. Is there anyone from the floor who would like to speak? OK.

Antony, do you wish to reply?

Antony Willott

Thank you. I'll be very brief. I can't talk about the details of this case. So we've heard quite a lot of detail that I cannot respond to and that Congregation does not have before it. The point of setting up a Redundancy Panel is to ensure that elected representatives of Congregation are allowed to look at all the evidence before it and come to a reasoned view. So I think there was a comment about 'this is who we are'. What I would say is: I think we are people who should make sure that we have the evidence before us before we come to a decision. All I'm asking is the Redundancy Panel be set up with elected members of Congregation to have all the evidence before it, before coming to a decision. At this point in time, there is almost no information before Congregation because we cannot provide it for reasons of confidentiality. So I would just ask members of Congregation to recognise the limitations that we are under at this point and to set up a panel that has all the evidence before it, to make sure that all the proper steps have been followed to make sure that this is a last resort, to go through all the safeguards that we have put in place to protect the members of our community and make sure that redundancy is a last resort. I am absolutely in support of that, but we cannot have that debate now. We do not have the evidence, and I cannot give the detail. I'm asking to set up a Redundancy Panel that can look at that evidence and with independent elected members of Congregation to take that view. Thank you.

Professor Chas Bountra

Dylan, do you wish to reply?

Dylan Carver

In my response, I would like to do two things. In a moment, I am going to say something further about why the Redundancy Panel itself is not best qualified to act as a safeguard of our collective job security and University democracy; and hence why the responsibility falls to us, today, as Congregation members. First, however, let me briefly review the facts of the case.

Now, it is of course impossible here to set out all the details: restrictions of time and confidentiality prohibit it. And it's not a straightforward case. The content of the business case, the document recommending escalation to formal redundancy (both of which were sent to UCU) and the published *Gazette* notice are all problematic in different ways. In brief, the correct process has demonstrably not been followed; the business case is fundamentally flawed; there has been no meaningful consultation; there have been undue delays – not caused

by the staff member – which have both frustrated an early settlement and damaged their health; there appear to be substantial errors and lacunae in the HR records (among other things, the University has not been able to produce – even under a formal Subject Access Request submitted last September – a copy of the individual's current contract, dated 6 May 2009, which clearly states that they are a member of academic-related staff, not support staff).

And this brings me to my final point: the composition and expertise of the Redundancy Panel itself. Now, at the last debate in Congregation concerning the proposal to convene a Redundancy Panel for St Cross College, Congregation was told by Council and its representatives that it was not for Congregation to consider the details or merits of the case – those points have been repeated today – and it's merely its role to approve the convening of an independent panel, who were elected by Congregation and trained to make an informed decision as to whether or not the case was correct. It's worth considering two points here:

First, in this current case, the proposed redundancy does have a direct effect on Congregation because the proposed restructure will substantially reduce the resource already allocated to conducting Congregation business. The roles fall within the Council Secretariat – there is no Congregation Secretariat – so it is not inconceivable that, facing competing demands from Council and Congregation, the available resources will be directed to Council.

The second thing to consider is how the Redundancy Panel is composed. Much has been made of the independence and expertise of the elected Redundancy Panels tasked to review the details of each case. Each panel is composed of 5 members, drawn by lot by the Registrar from a pool of 46 individuals, and include 1 member of academic staff and 1 woman.

Let's look at the current membership, which is [published on the Council website](#).

Of the 46 members in the Pool, only 5 are engaged in teaching or research (as designated by the inclusion of their faculty affiliation); the majority work in department or divisional offices as managers or administrators, many with job titles which suggest their roles are based in Human Resources. None of them have been elected by ballot of Congregation; less than half have been deemed elected unopposed, by virtue of being the only candidate nominated, and more than half have been appointed to vacancies which have 'lapsed': in other words, vacancies were advertised for election but no candidate were nominated. Of 52 vacancies advertised for election over the last 4 years, none were contested; 23 were elected unopposed (44%); and 29 lapsed (56%). Under the University regulations, when

this happens, the vacancies must remain vacant until appointments are made, jointly, by the Proctors and the Vice-Chancellor. The question is – why are so few academics being appointed to the Pool? And why is there a predominance of appointees whose roles include HR duties, especially to places reserved for the 4 academic divisions and GLAM? Surely these individuals better represent UAS (which has its own constituency) than the academic divisions?

All of this is simply to underscore the point that today's vote really does matter. I do not believe that it would be wise to delegate our collective responsibility to scrutinise the redundancy situation to a panel which is so unrepresentative of the wider academic workforce. This issue is especially acute given the fact, highlighted by Boyd Roger in the last issue of the *Oxford Magazine*, as well as today that out of 47 panel hearings since 2017 not a single one has been referred to Congregation. No, colleagues, if we want to ensure that justice is done then I believe it is up to us, today, now, to vote against the motion to constitute the Redundancy Panel. Thank you.

Professor Chas Bountra

I now call the vote on the resolution. I ask the Proctors and the Pro-Proctors to move to the voting stations at each of the exits to the theatre. When they reach their positions, I shall invite members of Congregation to cast their votes on the paper. I must remind you that only members of Congregation are entitled to vote. Having completed their voting papers, those seated on the floor and semi-circle in the Sheldonian should leave via the South exit. Those seated in the lower galleries in the Sheldonian should leave via the East and West exits. In order to ensure the voting process is completed as quickly as possible, please leave the theatre as quickly as possible and return promptly when the doors are reopened.

Members of Congregation should place their voting papers in the ballot boxes under the direction of the voting officers. Any members of Congregation wishing to vote who have not received voting papers may collect them from one of the stewards immediately inside each exit.

When invited, members may return to their seats to await the result of the vote, which is expected to take around 20 minutes.

I now invite you to take your seats for the announcement of the vote on the resolution on convening a Redundancy Panel.

There voted for the resolution: 28. There voted against the resolution: 16. The resolution is accordingly carried.

This concludes the business before Congregation.

