

The University of Manchester

## BOARD OF GOVERNORS

### Formal Session: 13<sup>th</sup> April 2011

*Present:*

Mr Anil Ruia (in the Chair),

President and Vice-Chancellor, Dr Stuart Allan, Mrs Gillian Easson, Professor Peter Eccles, Professor Colette Fagan, Professor Maggie Gale, Mr Robert Hough, Dame Sue Ion, Ms Christine Lee-Jones, Councillor Afzal Khan, Mr Paul Lee, Dr Keith Lloyd, Dr Anne McBride, Mr Peter Readle, Dr Brenda Smith, Dr John Stageman, Ms Kathleen Tattersall, Mr Andrew Walsh and Mr Gerry Yeung (20).

*In attendance:* The Deputy President and Deputy Vice-Chancellor, the Registrar and Secretary, the Director of Finance, the General Counsel, the Director of Human Resources and the Deputy Secretary.

#### 1. Welcome

**Noted:** That a formal session of the Board was being held, on a date previously scheduled for an informal meeting in order to enable the Board to agree upon revised terms of reference for the Staffing Committee and its *modus operandi*.

#### 2. Staffing Committee

**Received:** An report from Mrs Gillian Easson, the Chair of the Staffing Committee, on the business considered at the meeting of the Committee held on 12<sup>th</sup> April 2011.

**Reported:**

- (1) That at the meeting of the Board in September 2010, the Board approved a proposal to establish a Staffing Committee of the Board, in accordance with the Statutes and Ordinances of the University.
- (2) That the University had engaged in a process of consultation with the Campus Trade Unions concerning the potential termination of contracts for a number of staff currently at risk due to the finite timescale of the project or the cessation of the external funding that supports it.
- (3) That the Staffing Committee, as previously reported to the Board of Governors, deals with staff on open-ended contracts whose posts are funded mainly from finite sources where that funding is coming to an end. In order to bring forward proposals to dismiss members of staff by reason of redundancy on cessation of such funding, and in the absence of alternative sources of funding, the University is obliged to follow Ordinance XXIII through the oversight of an appropriately constituted Staffing Committee. The Staffing Committee duly has the responsibility to ensure that in recommending to the Board on any dismissal via redundancy, all suitable and appropriate alternative strategies for resolution, including redeployment and restructuring have been properly considered, and is instructed to receive and respond to reports from the relevant trade unions,
- (4) That at the formal session of the Board of Governors held during the Planning and Accountability Conference, the Board had subsequently approved terms of reference for the Staffing Committee and agreed its *modus operandi*
- (5) That the first formal meeting of the Staffing Committee had been held on 12<sup>th</sup> April 2011. At the meeting the Committee had received a full report from the President and Vice-Chancellor which included the following information:

- (a) the reasons for the contracts being at risk of redundancy
  - (b) possible alternatives to redundancy
  - (c) an outline of the relationship with the strategic plans of the units affected
  - (d) an analysis of financial considerations
  - (e) alternative strategies and an analysis of the impact of the proposed redundancies on activities within the affected units
  - (f) preliminary consultation with the Unions
  - (g) the impact upon the workloads of remaining staff
- (6) That the Staffing Committee was satisfied that a proper meaningful consultation was underway, that there were no issues arising in relation to equality, and that all the documentation submitted for consideration had been prepared in line with the obligations of Ordinance XXIII.
- (7) That the Committee sought the approval of the Board of Governors for its revised terms of reference and its permission to proceed accordingly on the basis outlined, in line with procedure prescribed in Ordinance XIII for those staff whose contracts are due to end during the period April to July 2011 inclusive.

**Noted:**

- (1) That the arrangements for fixed term contracts do not fall within the remit of the Staffing Committee as constituted.
- (2) That the issues, though not necessarily the individual cases, would be discussed with School Boards, where appropriate, and the Director of Human Resources would follow-up this item by contacting the relevant Deans to schedule this consultation.
- (3) That the Board noted the concerns expressed by the Campus Trade Unions and relayed through some of the staff representatives on the Board Governors. However, the Board was assured that the University was engaged in meaningful consultation with those at risk and their representatives, and that the Staffing Committee would ensure that detailed information on the steps taken to avoid redundancy was provided to the Board before any dismissals were confirmed. The Board also noted that the employment of many of the staff affected would not, in fact, be terminated because there are a number of possible alternatives to this course of action
- (4) That the terms of reference had been amended to remove the single reference to fixed term contracts, as this was not in the remit of the Staffing Committee, and changed two of the headings covering the information to be provided to mirror the exact wording used within the Statutes and Ordinances.

**Resolved:**

- (1) That the Board approved proceeding with the process as outlined to deal with those staff considered to be at risk on open-ended contracts linked to finite external funding for the period up to and including the end of July 2011.
- (2) That the University will continue to take all practical steps, as prescribed by Ordinance XXIII, to avoid the need for redundancy where this is possible.
- (3) That the Board of Governors approved the revised terms of reference and *modus operandi* (attached).

Close

**Taken as read and signed as a correct record on 18 May 2011.**

## **APPENDIX ONE**

### **Terms of reference and modus operandi**

#### **1. Introduction**

The Staffing Committee is established by the Board under Ordinance XXIII to give full and proper consideration to any proposals duly notified to it by or on behalf of the President and Vice Chancellor to dismiss members of staff by reason of redundancy pursuant to Statute XIII Part II.

These are the terms of reference and modus operandi of the Staffing Committee. They have been approved by the Board and are being consulted upon with UCU, Unison and Unite, being the recognised campus trade unions.

#### **2. Membership**

The Staffing Committee must be made up of three lay members of the Board and two members of the Board from Categories 3 or 4 of the membership, selected according to the circumstances of the particular case or cases under consideration from a panel of at least five such members. All members of the Board from Categories 3 and 4 will be deemed to be the panel from which the non-lay members of the Staffing Committee can be selected.

Three lay members of the Staffing Committee (the "Core members") will normally be appointed annually. One of the Core members will be designated by the Board as Chair of the Staffing Committee.

In addition three lay members of the Board will be appointed annually to act as a substitute member of the Staffing Committee. These lay members may attend Staffing Committee meetings where one of the Core members is unavailable to do so and act in all respects as a Core member for the purposes of that meeting and any associated actions.

#### **3. Support**

The Staffing Committee will be supported in an advisory capacity by a member of the Office of the General Counsel of the University. The University will also provide administrative support in the form of a secretary. Minutes will be produced of each meeting.

#### **4. Frequency of meetings**

The Staffing Committee will meet every two months in the first year. If deemed necessary, additional meetings will be organised.

The Staffing Committee will be convened routinely as set out above in order to consider the proposed termination of permanent contracts which had at the outset a known or foreseeably greater risk of possible redundancy due to the finite nature of the project or funding for the post.

#### **5. Information provided in advance of the meetings**

#### **6.**

The proposal that there should be dismissals by reason of redundancy must be provided to the Staffing Committee in advance of a meeting to consider such proposal.

In addition, appropriate information shall be provided to enable the Committee to reach a reasoned assessment of the proposal and to consider alternative strategies for resolution of the circumstances leading to the proposal. This will include some or all of the following, depending on the circumstances:

- a. An identification and analysis of the alternatives to redundancy;
- b. The reasons for any discontinuation or reduction of activity or for the proposed redundancies;
- c. An outline of the relationship with the strategic plan of the relevant unit;
- d. An analysis of financial considerations;
- e. an analysis of the impact of the proposed redundancies on activities within the Unit and in other Units within the University
- f. A report of consultations with the School or Unit Board
- g. A review of the impact on the workloads of remaining staff.

#### **7. Reaching a decision**

The Staffing Committee will consider the information provided and decide whether to recommend the proposal to the Board. In preparing its advice to the Board, the Committee:

- a. may request such other information as it deems appropriate and necessary to reach a reasoned assessment of the proposal and of any alternative strategies for resolution of the circumstances leading to the proposal;
- b. shall take a pan-institutional view of the circumstances;
- c. shall consult with any persons or bodies within the University as are deemed relevant;
- d. shall ensure that all suitable and appropriate alternative strategies for resolution, including redeployment and restructuring, have been properly considered; and
- e. shall receive and respond to reports from the relevant trade unions (which may be encompassed in a report from the Joint University/ Trade Union Contracts Committee).

**8. Review**

A review of the terms of reference of the Staffing Committee will be undertaken by the Staffing Committee after six months in operation.