



The
University
Of
Sheffield.

Consultation Document on the revision of The University of Sheffield Statute Section 6.

Open consultation meeting:

Thursday 28 February 2013
Portobello Design Suite
Portobello Centre
13:15

Written feedback welcome, via email:

statutessection6review@sheffield.ac.uk

Webpages:

www.shef.ac.uk/hr/guidance/statutessection6

Letter from the Director of Human Resources

Dear colleagues,

The Charter, Statutes, Ordinances and Regulations of Council are a part of the University's heritage and governance structure. In 2012 Council agreed to review the extant governance arrangements, the purpose of which was to ensure clarity, consistency and fitness for purpose.

The indicative outcome of the review of the Statutes will be clearer and more appropriate instruments of government that will support the future effectiveness and long term sustainability of the University. The aim is to provide a governance structure that will enable the University to effectively deliver the strategic aims of Futures 2022 and beyond.

As part of the review, Human Resources, has been asked to consider Section 6, which relates to employment.

The stated aim of the review of Section 6 is to create provisions that:

- Comply with current employment law;
- Provide protection to relevant staff in relation to academic freedom; and
- Enable all University staff to be treated equitably.

We welcome your views and comments. I will be presenting our proposals on Thursday 28 February 2013 at 1.15pm in the Portobello Design Suite, Portobello Centre; please come along then and let us know, or write to us with your views to:

statutessection6review@sheffield.ac.uk

Andrew Dodman
Director of Human Resources

Consultation

We are seeking the views of colleagues currently covered by the Statutes, in relation to the specific proposals contained within this consultation document. We are particularly interested in views on:

- The scope of Section 6, i.e. which staff should be covered;
- The Guiding Principles contained within Section 6;
- Removing procedural detail to sit outside Section 6.

If you wish to provide comment, please do so by email to:

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In addition to seeking individual views of professorial staff, collective consultation for other staff groups is also taking place between the University and Sheffield Universities and Colleges Union (SUCU) on a regular basis.

Further information about the review of Section 6, including Frequently Asked Questions, is available at:

www.sheffield.ac.uk/hr/guidance/statutessection6

Review of Section 6 of the Statutes

Section 6 of the Statutes relates to the employment of academic staff; specifically it sets out the principles and procedures for dealing with matters of conduct, capability and grievance. It is important because it details academic freedom and the specific protection that this provides certain categories of staff. It is in the form prescribed by the Education Reform Act 1988. The objective of the HR review is to revise Section 6 as part of the broader review of the Charter, Statutes, Ordinances and Regulations, in order to ensure that it:

- Reflects principles of fairness and equity;
- Is transparent and has associated streamlined procedures;
- Meets legislative requirements;
- Safeguards its accuracy from future change to employment legislation;
- Uses clear and inclusive language;
- The protection offered to existing staff in relation to Academic Freedom remains unchanged.

Proposed Section 6 Consultation Question 1: Scope

One of the aims of the review is to consider who should be protected by the guiding principle of academic freedom.

Academic freedom ensures that appropriate 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 or privileges. Currently this applies to:

Professors, Readers, Senior Lecturers and Lecturers.

It is proposed that the protection provided to the aforementioned staff remains unchanged. However, the review provides an opportunity to consider the appropriateness of extending this provision to additionally cover teaching and research staff.

Do you think that the protection provided by the principle of academic freedom should be extended to other staff groups e.g. teaching and/or research staff?

Proposed Section 6 Consultation Question 2: Guiding Principles

In addition to the pre-existing guiding principles of, academic freedom, the delivery of the University's mission and vision, and justice and fairness, the review provides an opportunity to consider the inclusion of additional principles. Examples of potential principles could include;

- Inclusivity as detailed within the Equality Act 2010
- Early and /or informal dispute resolution

Do you agree with the inclusion of an inclusivity principle and /or early dispute resolution?

Are there any other guiding principles that you think should be included within employment section 6?

Proposed Section 6 Consultation Question 3: Procedural Detail

The procedures contained within Section 6 are incompatible with extant employment legislation in key areas including equality and redundancy and makes reference to employment legislation that is no longer in force. The terminology used is historical with little, if any, current relevance, and as such it is incompatible with working in a modern progressive University.

The aforementioned issues have led to practical complications and resultant anxiety to those staff covered by the statutes. Our experience shows that when applying these procedures, considerable time is spent interpreting the process, rather than focusing on resolving individual employment matters.

To safeguard the accuracy of Section 6 over a sustainable period it is proposed that procedural detail is removed from Section 6 of the Statutes and placed elsewhere, for example in Regulations or University employment procedures. These could subsequently be amended with Council approval and Trade Union agreement, to reflect changes in employment legislation.

The positioning of the procedures would not erode your employment rights and responsibilities or specific protections provided to named groups of staff.

In light of the above, do you think that it is appropriate for the employment procedures;

- **to remain within the statute, subject to change by Privy Council, with Council approval?**
- **to be placed within the Regulations and subject to change with Council approval?**
- **to stand alone University employment procedures, subject to change with Council approval?**

Background

The University Charter, Statutes, and Ordinances are inherent to the University of Sheffield's governance. To ensure that they remain effective and efficient, they need to be reviewed and revised from time to time.

A significant number of other HE Institutions, including Durham University and the University of Nottingham, have already revised their own Charter, Statutes and Ordinances and a variety of models have been used pertinent to the requirements of each individual organisation.

The recommendation to update the University of Sheffield Statute was made by external consultant, John Lauwery in November 2011, following a review of Council Effectiveness undertaken between November 2010 and 2011, http://govern.dept.shef.ac.uk/council/12_10_22/12-10-22_14.pdf, to review the Charter, Statutes, Ordinances and Regulations.

In October 2012, the outline of the planned review of the Charter, Statutes, Ordinances and Regulations was approved by Council.

The review will comprise three main strands:

- (i) Charter, Statutes and Ordinances (excluding Section 6);
- (ii) Section 6, the Statute governing the employment of academic staff;
- (iii) Schedule of Delegation.

The three strands of the review will take place in parallel, with the intention that proposals will be presented to Council later in 2013.



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