

To Professor James Thompson and Ms Karen Heaton

24. 8.2017

Dear James and Karen

I am writing to you as the most senior leaders with responsibility for ensuring that the university's social responsibility agenda is implemented with respect to human resource policies and practices. I note that the social responsibility agenda includes the following commitment "We are ensuring our policies and procedures for the recruitment and development of staff adhere to the highest standards of fairness and ethics."

In this respect I, as a professor in the human resource management group and as a previous manager of academic staff for eight years, was extremely disturbed and disappointed by the inclusion of sickness absence as one of the criteria to be used (admittedly only if all other criteria fail to distinguish between staff in scope) for selection for compulsory redundancy. The measure of sickness absence is simply, as I understand it, its occurrence, so that no attempt is to be made to identify in what respect if any this represents a failure of performance or commitment, justifying selection for compulsory redundancy. The selection of those with one-off or recurrent health problems is in itself at odds with the university's announced policy but I am particularly concerned about the apparent lack of awareness this shows of academic life and the associated management of academic staff. As a divisional head I took it as axiomatic that it was good practice for the staff and the university to take sick leave if they were facing physical or mental health problems and would encourage individuals to do so. This approach matters in a context where many staff prefer or choose to carry on with their public and visible academic duties even at the cost of their own recovery rather than take sick leave. I never imagined that encouraging the formal taking of sick leave could increase their chances of being selected for compulsory redundancy. The outcome of this decision to include sickness absence as recorded by trigger points will be to encourage even more academic staff to disguise their problems, particularly mental health problems, and to try to carry on when they need medical assistance and rest from their duties.

It seems to me that the university is pursuing HR policies with respect to redundancies that take no account whatsoever of the specific nature of academic life. This is in relation both to the fact that, outside of the more structured scientific subject areas, it is both difficult and often counterproductive to monitor on a day to day basis the activities of academic staff, hence the problem in using formally recorded sick leave, and to the fact that the academic labour market works on reputation as the key selection criterion. Hence anyone who takes voluntary severance without already having secured a new post, and certainly anyone made compulsorily redundant, stands very little chance of being hired by an academic institution of comparable or even lower standing than Manchester. This means that restricting the voluntary redundancy period to only the summer months when very few posts are advertised is in effect requiring those taking VS to give up their academic careers, which only make sense for those

close to retirement . When it comes to compulsory redundancy not linked to the full closure of an academic discipline but through selection against a wider list of colleagues, then there must be almost no chance that any academic institution would even shortlist such people. I would very much doubt that anyone without a post would be accepted on to a short list at AMBS, for example. To add sickness absence to the criteria for selection is yet another indication that the university is not taking its duty of care towards its staff seriously , let alone meeting its claim to uphold the highest ethical standards.

Yours sincerely



Professor Jill Rubery FBA

N.B. CORRESPONDENCE CONTINUES ON NEXT PAGE

From: "Jill Rubery" <jill.rubery@manchester.ac.uk>
To: "Keith Brown" <keith.brown@manchester.ac.uk>
Cc: "Fiona Devine" <fiona.devine@manchester.ac.uk>
Subject: letter in relation to published criteria for compulsory redundancy

Dear Keith

I understand you have taken over charge of the M2020 project with respect to redundancies now that Professor Bailey has left. I sent the attached letter last week to Karen Heaton and James Thompson but I received an out of office from Karen until September 11th. As these issues are time critical I thought I should send this therefore to yourself as I have only just learnt that you have taken on this role. I have copied Fiona in for information but the issues are not specific to AMBS.

Yours sincerely

Jill Rubery

From: Andrew Mullen
Sent: 01 September 2017 16:21
To: Jill Rubery
Cc: Keith Brown; Fiona Devine; James Thompson; Karen Heaton
Subject: FW: letter in relation to published criteria for compulsory redundancy

Dear Jill

Thank you for your letter of 24 August 2017. As Karen is on leave at present, I am responding in her absence having consulted with James.

By way of introduction, and as I am sure I have no need to tell you, we remain in formal collective consultation with the recognised trade unions on the M2020 proposals, including, should we need to use them, the Compulsory Redundancy (CR) selection criteria. I am therefore responding to you outside of that process and as a courtesy, as there are potential penalties for employers for conducting consultation outside of the agreed processes and frameworks.

In terms of your points about reference to and potential use of sickness absence record in selecting cases for CR, I would make the following points:

1. Scoring against the sickness absence criterion will discount disability (i.e. physical or mental disabilities) and maternity leave related sickness absence. This is a critical caveat.

2. Along with disciplinary record and subject to the important caveats above, sickness absence record would only be used in circumstances where it is not possible to differentiate between individuals in assessments under the criteria in the main research, teaching and other headings.
3. The CIPD cites around a half of UK employers as using absence as a criterion in selecting for CR. It is not unusual.
4. ACAS cites absence as an example of a criterion that can be used in CR selection.

You also raise the question of when we plan to allow individuals to leave the University employment under Voluntary Severance arrangements. The precise leaving date is something that we will deal with on a case by case basis taking into account individual preferences and operational considerations, but with the aim of agreeing a mutually acceptable leaving date. I should also note that the University proposes to offer external outplacement support and advice to staff leaving on either VS or CR.

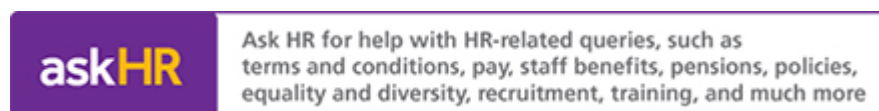
So, we believe that our approach to the management of this very difficult issue is in keeping with our duties as an employer and continues our commitment to upholding our duty of care towards our staff.

I do hope that this clarification assures that we will continue to act fairly, ethically, lawfully and in accordance with good practice if we have to select staff for CR.

Kind regards,

Andrew

Andrew Mullen | Deputy HR Director | University of Manchester | Room G029b, John Owens Building | Oxford Road | Manchester | M13 9PL | tel. 0161 275 7898 | email: andrew.s.mullen@manchester.ac.uk



Please open the link at: [askHR](#)

From: Jill Rubery
Sent: 02 September 2017 16:54
To: Andrew Mullen
Cc: Keith Brown; Fiona Devine; James Thompson; Karen Heaton
Subject: RE: letter in relation to published criteria for compulsory redundancy

Dear Andrew

Thank you for your letter but, as an academic I do place a lot of emphasis on addressing the actual questions raised – and

I am sure if you read my letter you will find I was not querying any of the points in your response and in addition would take issue with your claim that the university is following ACAS advice and guidance.

I am aware, and made it clear that I was aware, that sickness absence is to be used only 'as a last resort' and I did not consider it necessary to note that if the university would leave itself open to discrimination claims if it did not exclude the groups mentioned under point 1. I am also fully aware that sickness absence is used in some instances for compulsory redundancy. The points I was making were two fold. The first was that not only is sickness absence not a good measure of commitment in an academic setting, as it is possible for absence not to be identified, but that to use it at all as a criterion might lead to fewer people taking formal sick leave with damaging effects on their health and indeed on the long term 'productivity' of the university- in short the sickness information you have in hr is deeply flawed and indeed the more conscientious the member of staff the more likely it is that they will have taken formal sick leave so that the use of this as a criterion for redundancy is perverse.

The second point I made is that the university claims not to be following the crowd but instead aspires to the highest ethical standards- therefore the fact that half of UK employers may use it as a criterion is neither here nor there as I do not think anyone would argue that the majority of employers aspire or practice the highest ethical standards.

ACAS does recognise that attendance records may be used but gives the following guidance:

If attendance or disciplinary records are to be used as a basis for redundancy selection, it will be necessary to ensure that they are accurate. Before selecting on the basis of attendance it is important to know the reasons for and extent of any absences. This is particularly important when considering sickness absence.

Employers should look carefully at the duration of the spells of sickness; for example, whether an employee has had one continuous lengthy bout of sickness or whether the absences were of a more intermittent nature but over a longer period

The published criteria refer only to trigger points, not to reasons- information on trigger points is highly flawed and there is also no mention of establishing reasons for absence or differentiating by length or recurrence of sickness, so the university is not following basic ACAS guidance.

Yours

Jill Rubery

From: Andrew Mullen

Sent: 04 September 2017 09:07

To: Jill Rubery

Cc: Keith Brown; Fiona Devine; James Thompson; Karen Heaton

Subject: RE: letter in relation to published criteria for compulsory redundancy

Dear Jill

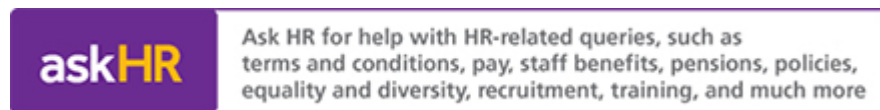
Thank you for the clarification. I understand the points you are making and the reasoning behind them.

We will be taking great care in applying these criteria in order to avoid discrimination. It is implicit in point 1 in my email that we establish and take into account absence patterns, reasons for absence and recurrence of particular issues.

Best wishes,

Andrew

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Please open the link at: [askHR](#)

From: Jill Rubery
Sent: 09 September 2017 21:46
To: Andrew Mullen
Cc: Keith Brown; Fiona Devine; James Thompson; Karen Heaton
Subject: RE: letter in relation to published criteria for compulsory redundancy

Dear Andrew

As was again clear from my email, it was the impact on staff's behaviour that I was concerned about in particular- to avoid those effects it is necessary to make explicit that you will 'establish and take into account absence patterns, reasons for absence and recurrence of particular issues'. It is so implicit as to be invisible in the current criteria.

Jill