

THE PETITION OF DR JOHN ILLINGWORTH TO THE LORD PRESIDENT OF THE COUNCIL AS VISITOR TO THE UNIVERSITY OF LEEDS

INTRODUCTION

1. Dr John Illingworth is a member of staff in the Institute of Membrane and Systems Biology, Faculty of Biological Sciences, University of Leeds, and a Member of the University in which capacity he presents this Petition.

FACTUAL BACKGROUND

2. The brief facts are recited in the attached correspondence between UCU (acting on behalf of the Petitioner) and the Secretary to the University (**bundle pages 1- 8**).
3. In summary, it is common ground that in the summer of 2008 it was becoming clear that the Faculty of Biological Sciences (FBS) was facing substantial financial difficulty. Steps were taken in September 2008 to address the situation but were inadequate. By the beginning of 2009 the University state that the FBS was losing £400k per month, a cumulative total deficit of £21.8m to 2013-14.
4. In Autumn 2008 the School of Healthcare was informed by the NHS that it was changing its funding methodology which would have the effect of substantially reducing the School's income.
5. The Faculty Management Group (FMG), an executive body which contains no elected members, considered the impact of these changes

at its meeting on 26 February 2009 and resolved to strategic review of the School (**bundle pages 9 - 16**). Senate received this information at its meeting on 11 March 2009 (**bundle page 18**).

6. At its meeting on 26 March 2009 FBS received a report and recommendation from the Dean of the FBS dated March 2009 (**bundle page 19 - 21**). This report recommended the establishment of a University Review Group to develop, *inter alia*, an academic vision and strategy for the Faculty (**bundle page 22**). This was endorsed by the FMG on 26 March 2009.
7. At its meeting on 21 May 2009 the FMG minute notes that the possibility of compulsory redundancies was being notified to staff unions in connection with the restructuring of two areas, the School of Healthcare and the FBS.
8. At the meeting of Council on 28 May 2009 the Vice Chancellor made a statement to Council that University officers were working to formulate a strategic plan for the FBS that was both academically and financially sustainable (**bundle page 24**). It is clear that the Vice Chancellor was reporting steps which had already been taken to reduce staffing in the affected areas – a measure which, by the very nature of a teaching institution, means that the academic mission was, putting it its lowest, being adjusted or re-aligned in some measure.
9. On 10 June 2009 the Vice Chancellor made a statement to Senate. He announced that it had been known since March 2009 that the FBS was facing acute problems, that the underlying problem was long-standing, and that work had been undertaken over the last three months to reduce staff (in the order of 50-60 posts in the FBS). (**bundle page 25 - 29**)

10. At the same meeting of Senate the minutes of the FMG meetings which had taken place between March-May 2009 were received, including the Group's decision to establish an academic review group to consider issues related to the academic development of FBS (**bundle page 32, minute 08/248**).
11. On 12 June 2009 the University's Human Resources Director wrote to the staff unions about proposed redundancies in the School of Healthcare, and on 28 June 2009 about proposed redundancies in FBS (**bundle page 33 - 42**). In these letters he communicates that the Faculty is proposing a new structure which will not sustain all current areas of activity.
12. For the avoidance of doubt, the Petitioner seeks to raise no issue about staff redundancies as such; an area which he is well aware would take this matter outside the jurisdiction of the Visitor. However, it is not possible to reflect the facts of those matters which are properly and indeed solely in the jurisdiction of the Visitor without reference to the loss of jobs which took place in the relevant period. In his letter of 26 June 2009 to the staff unions the Director of HR reports that FBS has reviewed its areas of activity and this explains the need to consult on redundancies. In the Petitioner's view, this is a clear statement that the Faculty had embarked on measures to implement a change of academic mission.
13. Between June 2009 and October 2009 the Review of Academic Strategy of FBS was undertaken (**bundle pages 43-127**). The Final Report is dated 12 October 2009.
14. On 21 October 2009 the Vice Chancellor made a statement to Senate (**bundle page 128-137**). In his statement he is clear that a "severe chill" is being imposed on job appointments and capital projects. In the

minutes of the meeting it is recorded that assurances were sought by Senate that the usual consultation mechanisms would apply.

15. On 19 November 2009 the Vice Chancellor presented a paper which has become to be known as the Economies Exercise (**bundle pages 153-156**). The paper states that every School has been asked to identify and revise its academic strategy with the new financial envelope in mind.
16. On 25 November 2009 the same paper was presented to the Senate by the Vice Chancellor along with the Review of FBS. The Petitioner refers to the minutes of Senate's meeting (**bundle pages 167-168**) and invites you to note in particular the following minutes at paragraphs 09/87 – 09/90 and the minutes relating to FBS at paragraphs 09/91 – 09/95.

THE CONSTITUTIONAL FRAMEWORK UNDER THE CHARTER

17. As the Visitor will be only too well aware, the Senate has “control and regulation of the instruction and education within the university” (Charter XII). The Council is the governing body and exercises executive management of the university (Charter XI).

APPLICATION TO THE FACTS

18. The Petitioner contends that in all the circumstances it is clear that Senate has failed to discharge adequately or at all its function as the body responsible for the academic mission of the University. On a true analysis of what has taken place it is evident that decisions which directly affect the academic mission of the university had been taken without the knowledge or agreement of the Senate. This, it has to be said, is acknowledged at least in part, in the University Secretary's

letter of 9 January 2010 (see paragraphs 12, 19 and 20). In these paragraphs, the Petitioner contends, the University acknowledges that decisions were taken without explicitly consulting Senate. He does not agree, however, with the University's conclusions that such decisions did not abrogate the powers of Senate. In the Petitioner's view, Senate's active involvement in these matters was required in the summer of 2008 and certainly at the very latest by March 2009. Senate cannot be said to have discharged its function by the mere receipt of a report into which it had no direct input or direction in November 2009. As of that date, decisions had clearly already been taken and implemented which had a direct effect on the academic mission of the university.

19. In making these submissions the Petitioner respectfully agrees with the observations of the Rt Hon Sir Roy Beldam made in his opinion (adopted by your predecessor) in the Petition of Dr Peter Fletcher and the University of Keele. Sir Roy Beldam observed that the more far reaching the proposals, the more important to involve Senate at an early stage (**copy decision attached**). In the instant case, the Petitioner contends, the only opportunity presented to Senate to debate in a full and proper way the restructuring of FBS was after decisions had been taken which, realistically, Senate could not have turned the clock back on. Further, no distinction exists between what might appear to be minor shifts in the academic mission and those of a clearly greater magnitude. In all cases, Senate has the prime responsibility to oversee the academic mission. Steps taken to implement financial exigencies, no matter how pressing, which impact on the academic mission cannot be implemented without the consent of Senate.

- 20.** This division of responsibilities between Council and Senate lie at the heart of this Petition. It is vital that academic freedom is rooted at the core of the university system. Senate is the body charged with that responsibility. Whilst acknowledging the difficult business reasons which motivated and drove Council and the senior managers to act as they have, they cannot be allowed to undermine the importance of the academic mission charged to Senate.
- 21.** Looking forward, the University assert that no decisions have been made in relation to the Economies Exercise and that Senate will be able to “comment” on the exercise (**bundle page 7, paragraph 17**). With respect to the role of Senate the Petitioner contends that there is a very real risk that the errors of the past are about to be repeated. Senate cannot maintain an oversight of the impact on the academic mission by commenting on the Economies Exercise; rather it has a fundamental role to discharge in response to it. If, however, Council and the University management continue to act as they have done in relation to the School of Healthcare and the FBS, the Petitioner is concerned that once again Senate’s role will be undermined and marginalised.
- 22.** The Petitioner respectfully invites the Visitor:
- (i) To determine whether, in relation to the School of Healthcare and the FBS restructure Senate adequately discharged its function;

- (ii) If the Visitor should find that it did not, to make recommendations as to how, going forward with the Economies Exercise, Council and University managers should seek a more active role for Senate;
- (iii) Pending his determination of this Petition, to invite the University to cease all further action in relation to the Economies Exercise.

Dated this 28 January 2010



Signed.....

For and on behalf of Dr John Illingworth