



Compliance with Ordinance B Review – Staffing Matters

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| Outcome requested: | Council is asked to note the report and is invited to consider and discuss the report content. |
| Executive Summary: | <p>The attached paper has been drafted for Council to provide assurance in relation to matters it has delegated to the Executive through Ordinance B – Staff of Queen Mary University of London (QMUL). The Ordinance covers dismissals and grievance procedures, as well as a range of guiding principles related to justice and fairness in the application of staff related policies and procedures.</p> <p>The report below is broken down into 3 main areas:</p> <p><i>Section 1:</i> An overview of dismissals and appeals for the last 3 calendar years (2019, 2020, 2021) including key themes, trends, and learning – covering the dismissal reasons noted within the Ordinance.</p> <p><i>Section 2:</i> An overview of grievances and appeals for the same period (2019, 2020, 2021) including key themes, trends, and learning.</p> <p><i>Section 3:</i> Assurance that the guiding principles in part 4 of the Ordinance are being followed through University policies – including how the policies are working in practice and recent policy review.</p> |
| Alignment with: <ul style="list-style-type: none"> • QMUL Strategy • Internal Policies/Regulations • External Statutory Requirements | <p>KPI 2 –Staff Engagement.</p> <p>Relevant to internal HR Policies</p> <p>Compliance with ACAS Code of Practice on Disciplinary and Grievance Procedures</p> |
| Consideration of Strategic Risks: | Staff engagement and Partnership relations |
| Equality Impact Assessment: | The paper includes analysis in relation to equality impact. |
| Subject to Prior and Onward Consideration by: | For consideration by Council only |

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| Confidential paper under FOIA/DPA | No |
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| Date: | 23 rd March 2022 |
| Sponsor(s): | Dr Ghazwa Alwani-Starr Chief Operations Officer Sheila Gupta Vice Principal People, Culture and Inclusion |

Compliance with Ordinance B Review – Staffing Matters

The purpose of this report is to provide assurance to Council on the matters it has delegated to the Executive through Ordinance B – Staff of Queen Mary University of London (QMUL). The Ordinance can be reviewed [here](#).

The Ordinance covers the following areas:

- Delegation to the President and Principal the authority to approve and adopt from time-to-time procedures for dismissal of staff for reasons including misconduct, unsatisfactory performance, failed probation, ill health/medical incapacity, regulatory requirements (including related to professional registration), redundancy, or Some other Substantial Reason. The delegated authority also covers appeals for these dismissals.
- Delegation to the President and Principal the authority to approve and adopt from time-to-time procedures for handling of grievances raised by members of staff.
- Guiding principles on the application of procedures related to the Ordinance including principles of justice and fairness; maintaining the highest standards of academic honesty and probity; application of procedures to support complaint resolution at the earliest stage possible.

The report below is broken down into 3 main areas:

Section 1: An overview of dismissals and appeals for the last 3 calendar years (2019, 2020, 2021) including key themes, trends, and learning – covering the dismissal reasons noted within the Ordinance.

Section 2: An overview of grievances and appeals for the same period (2019, 2020, 2021) including key themes, trends, and learning.

Section 3: Assurance that the guiding principles in part 4 of the Ordinance are being followed through University policies – including how the policies are working in practice and recent policy review.

Section 1 – Dismissals and Appeals

The following policies and codes of practice cover activity related to dismissals and appeals:

- Discipline Policy and Procedure
- Capability Policy and Procedure
- Attendance Policy and Procedure
- Probation Code of Practice
- Reorganisation, Redundancy, and Redeployment Policy and Procedure
- Other Potential Dismissals

The ACAS Code of Practice on Disciplinary and Grievance Procedures is incorporated in University policy and procedure. ACAS codes of practice set the minimum standard of fairness that workplaces should follow. They are used by employment tribunals when deciding on relevant cases.

The table below shows dismissal data for the 3-year period 2019, 2020, 2021:

| Dismissal Reason | Number of Cases | Dismissal by Area | Number of Cases | Dismissals by Year | Number of Cases |
|--------------------|-----------------|-------------------|-----------------|--------------------|-----------------|
| DISCIPLINE | 16 | HSS | 3 | 2019 | 19 |
| PROBATION | 9 | S&E | 5 | 2020 | 9 |
| REDUNDANCY | 6 | SMD | 6 | 2022 | 13 |
| SICKNESS | 5 | PS | 27 | | |
| SOSR | 5 | | | | |
| Grand Total | 41 | | 41 | | 41 |

There were 41 dismissals in total across all dismissal reasons. By area the lowest number of dismissals were in Humanities & Social Sciences and the highest in Professional Services.

The Professional Services dismissals break down as 12 for misconduct; 7 for failed probation; 3 for reason of redundancy; 4 for reason of sickness absence and 1 for Some other Substantial Reason. 10 of the 12 dismissals for misconduct in Professional Services were within the Estates and Facilities Directorate. It is notable that 7 of these dismissals were in the calendar year 2019 and were linked to a focused campaign and approach to reinforce appropriate professional standards - 3 of the dismissals were related to failure or neglect to perform duties to a satisfactory standard in relation to compliance/health and safety from maintenance staff, and 2 related to dishonesty and deception by security staff.

In relation to the probation dismissals, 8 of the dismissals were for Professional Services roles including 2 in Catering and Hospitality and 2 in Careers and Enterprise. Only one dismissal – for a Post-Doctoral Research Associate - was outside of this staff group.

Redundancy data does not indicate any particular themes with the 6 compulsory redundancies spread across the 3 years and different areas.

4 of the sickness dismissals were within the Estates and Facilities directorate. Only 1 of the 5 cases was identified as a result of incapacity due to ill health.

The Some other Substantial Reason cases include: 3 cases related to compliance with immigration requirements; 1 case related to a criminal offence; 1 case related to inability to conduct role because of moving abroad. There have been no dismissals related to professional registration (e.g., suspension or revoking of registration required for role).

4 of the dismissals in 2021 relate to Some Other Substantial Reason (the details of which are noted above) – the trend in 2020 and 2021 mirrors the overall reduction in employee relations activity in 2020 and 2021, as on campus activity reduced during periods of national lock down associated with the Covid 19 pandemic, and many colleagues worked from home for periods of time.

Appeals data shows there were 19 appeals against dismissals in the period under review; of which 3 were successful related to 1 probation and 2 sickness absence cases.

Reflections and Learning:

- Dismissals over the 3-year period indicate the impact of the pandemic. Learning on case management and people management during the pandemic is being applied via our New Ways of Working Policy and tool kit – and is incorporated into manager training programs.
- High numbers of cases in 2019 highlight focused efforts to increase standards in Estates and Facilities– the impact of which is seen in the data in future years – dismissals in Estates and Facilities in both 2020 and 2021 were half the levels in 2019.
- Absence of probation dismissals for academic staff is indicative of the process. The probation period for Professional Services staff is 1 year, whereas the probation period

for academic staff is 3 years - this allows also for teaching accreditations to be achieved.

- Low redundancy numbers are in the context of large-scale change across the 3 years under review including in Estates and Facilities and IT. This indicates effective change processes alongside the development of a consistent Early Voluntary Redundancy process and the ability for staff to request Voluntary Severance in 2020 at the height of the pandemic.
- Appeal data indicates the quality of decision making – with just 3 of the appeals processes resulting in a successful appeal.
- A review of the data based on equality and inclusion shows a 50/50 split of the dismissals for White and BAME staff. Our overall University diversity profile is 63% White and 37% BAME. The difference is a result of the profile of dismissals with high numbers in Estates and Facilities (20 of the total) and in lower grades 1-3. The profile of the Estates and Facilities directorate is 48% White and 52% BAME. Over the last 3 years additional employee relations support has been provided to Estates and Facilities including in supporting and coaching managers, so that colleagues are able to perform as effectively as possible and in line with our values. Relevant learning has also been applied to the design and implementation of the new structure in the directorate.

Section 2 Grievance and Appeals

Grievances are managed through the Grievance Resolution Policy and Procedure. This policy was significantly revised with input from Campus Trade Unions in 2020 and launched in 2021 with a focus on attempts to resolve grievances via informal routes as early as possible where appropriate. The policy is supported by a cohort of trained mediators.

The table below shows grievance data for the 3-year period 2019, 2020, 2021. The Grievances by Year column reports the number of grievances raised in that particular year.

| Grievance Reason | Number of cases | Grievance by Area | Number of Cases | Grievance by Year | Number of Cases |
|---|-----------------|-------------------|-----------------|-------------------------|-----------------|
| BULLYING | 15 | HSS | 11 | 2019 | 14 |
| COMPLAINT ABOUT QMUL PROCESS | 9 | S&E | 2 | 2020 | 10 |
| DISCRIMINATION OR HARASSMENT | 4 | SMD | 3 | 2021 | 8 |
| DISRUPTION/INTERFERENCE WITH ACTIVITIES | 2 | PS | 22 | Ongoing/yet to conclude | 7 |
| OTHER | 9 | Students Union | 1 | | |
| Grand Total | 39 | | 39 | | 39 |

There were 39 grievances raised within this period by staff, with grievances most frequently citing “bullying” as the grievance reason (15 cases) and the highest number of cases raised in Professional Services areas.

Security is the area with the highest number of grievances reporting 5, of which 4 were classified as related to bullying. Languages and Linguistics and the Business School each also report 3 cases. The reasons are not concentrated in either of these areas to a specific grievance reason, however.

By year, the number of cases concluded each year shows a reducing trend. Of the 32 cases that have concluded, 10 were resolved informally including via mediation, 11 resulted in letters of concern to the appropriate individual/s, and 11 were resolved for “other” reasons related to the specifics of the case (e.g., referral to the disciplinary process; referral to the appropriate process for a case related to redundancy; the offer of a permanent contract related to a grievance associated with contractual status).

The profile of grievance cases by grade indicates a more balanced picture than the profile for dismissals – the table below shows the number of grievances by grade:

| Grade | Number of Grievances |
|--------------|-----------------------------|
| 1 | 1 |
| 2 | 3 |
| 3 | 8 |
| 4 | 4 |
| 5 | 8 |
| 6 | 8 |
| 7 | 5 |
| 8 | 3 |
| Total | 39 |

The more senior grades include academic staff from grade 6 onwards as well as Professional Services staff.

Reflections and Learning

- The pattern of grievance reason highlights bullying and harassment as an area for focused support and this has informed the development of the PCI Enabling plan including: focus on embedding values in all staff processes and leadership training; development and roll out of mandatory training on inclusion; Active Bystander training roll out and development of Active By Stander Champions ensuring staff have the courage and confidence to challenge in appropriate /bullying behaviour when they see it
- The creation of an active network of Dignity and Respect Champions (DRCs) has been developed to support colleagues experiencing bullying, harassment, and other inappropriate forms of behaviour and to promote a positive and inclusive culture at Queen Mary - The DRCs exist, and are trained to provide an independent, objective and confidential service to our community – supporting colleagues to understand their options, and our processes, for resolving and addressing negative behaviours.
- Via the Equality, Diversity and Inclusion Steering Group, each area of the University is required to share their action plans for promoting inclusion and creating a safe environment for all staff/addressing bullying and harassment -this provides a forum to share good practice and ideas and learn from one another.
- A review of the complaints related to University Process highlights several cases focused on fixed term contracts and Academic Promotions, however the themes are not pronounced. In each of these areas there has been significant work in the last 12 months including revising the approach to contracting Teaching Associates to ensure there is a clear rationale for fixed terms, appropriate job plan and aligned development support, and in respect of Academic Promotions, a significant review to increase transparency and fairness of the process overseen by our Vice Principal for People Culture and Inclusion (VP PCI), with senior Academic input.
- One Grievance in 2021 involved grievance and counter grievance complaints between a student and several staff members – the case highlighted where improvements to policy and process are required to address complaints spanning staff and student processes and multiple departments. The VP PCI led a review of the case to ensure appropriate lessons learnt.
- A review of the data based on equality and inclusion shows a significantly higher number of cases raised by White staff than BAME staff. As noted above, the profile

by grade additionally indicates more senior staff are increasingly likely to have raised a grievance. This highlights the importance of encouraging all staff to have the courage to raise concerns. The network of Dignity and Respect Champions is one part of this, as the Champions deliberately reflect the diversity of our staff group to encourage engagement. A further way of addressing this is via the newly created role of PCI Engagement Manager – this role will be filled from Spring 2022 and will promote the work of the PCI Enabling Plan and our Values in Action, ensuring colleagues are aware of appropriate behaviours, and what to do if they have any concerns.

Section 3 Guiding Principles

This section reviews whether the guiding principles on the application of procedures related to the Ordinance are being effectively applied including principles of justice and fairness; maintaining the highest standards of academic honesty and probity; application of procedures to support complaint resolution at the earliest stage possible.

The analysis above indicates the activity associated with dismissals and grievances in practice including outcomes – providing assurances that the processes are being applied effectively. This includes assurance that our policies are aligned with the ACAS code on Discipline and Grievance. Council is also advised that:

- Policies include appropriate appeal mechanisms.
- The right to be accompanied is clear and supported.
- Panel compositions are appropriate for the nature of the case including the potential severity of the outcome and the type of role (e.g. academic representation where appropriate).

This data is also triangulated with the pattern of Employment Tribunal activity, which has seen a reduction over the last 3 years (11 claims in 2019, 4 in 2020 and 3 in 2021) – and overall case work (e.g., case work in Estates and Facilities has reduced from 55 formal cases in 2019, to 33 formal cases in 2020, and 8 cases for 2021).

In the last 18 months, a Policy Review Framework has been agreed with our Campus Unions, identifying best practice in relation to development of new and existing workforce policies. The first policy that was approved through this process was the Grievance Resolution Policy launched in 2021. As noted in the above report, the focus of the revision of the policy is to ensure where possible effective early resolution, with associated mediation support. Where this is not possible the policy continues to have application for formal resolution and as the above analysis has shown this includes outcomes including where necessary referral to the Disciplinary Policy and Procedure.

Policies are reviewed regularly to ensure they remain fit for purpose, including reflecting updates to employment legislation and best practice. The following principles are followed:

- New policies will be reviewed at 6 months post implementation to ensure they are working as intended. This includes the Grievance Resolution Policy, and the newly launched (January 2022) Hybrid Working and Special leave Policies.
- Policies are widely consulted on including with Campus Unions. 4 policies are negotiated with Campus Unions: Discipline, Capability, Grievance Resolution, and Redundancy, Reorganisation and Redeployment.
- Prioritisation of policy review takes on board union colleague feedback – the Fixed Term Contract policy is currently under review based on learning shared in its application from Union colleagues.

- Legal advice is commissioned as appropriate on policy development and application. In the last 12 months, legal advice has supported the development of the Hybrid Working Policy, and shaped application of the existing Shared Parental Leave policy.
- The Employee Relations and Policy team has updated training for managers over the last 18 months in particular to focus on supporting managers to effectively apply workforce policies in line with our values and taking a person-centred approach. This has involved supporting managers to adapt policy application to take account of mitigating factors including the impact of the Covid-19 pandemic where relevant.

Policy review also takes account of wider sector requirements including protection of academic freedom, and the balancing of rights and responsibilities. This is reflected for example in composition of panels to ensure there is appropriate consideration of all the issues including an understanding of the academic context. Where appropriate, policies make explicit reference to academic freedom, for example the disciplinary policy includes an example of gross misconduct as 'Behaviour which is likely to bring QMUL into significant disrepute (subject to any relevant contractual conditions relating to academic freedom and the provisions of the whistleblowing procedure). Additionally, all new and revised workforce policies are reviewed by the Joint Staff Consultative Committee which is Chaired by the VP PCI – who also Chairs the University Equality, Diversity and Inclusion Steering Group and ensures appropriate governance with this in mind. There is academic representation on the JCF, and policies are also reviewed and agreed by SET. The University has recently reviewed, with legal advice, a suite of policies and position statements including Dignity at Work and Study, to ensure that policies reflect legislation and University values, alongside the protection of academic freedom.

The themes from the outcomes of processes such as dismissal and grievance inform actions including the focus of the PCI Enabling Plan as noted above, e.g., on addressing bullying and harassment. This year (2022), the University will be launching a new staff survey platform to receive feedback from staff on a regular basis on issues such as bullying and harassment, wellbeing, and inclusion – this will ensure that we are testing the impact of interventions and revising and updating our actions accordingly to have the most positive impact on our community.

Council is asked to note the above report in respect of compliance with Ordinance B and is **invited to consider and discuss the report content.**

Louise Lester, HR Director
March 2022