



Acting President: Dr Paul Anderson  
p.anderson@qmul.ac.uk

Secretary: Dr Richard Saull  
r.g.saul@qmul.ac.uk

Date 10 February 2012

To Ms S. Brosnan HR  
HoS Prof. M. Evans SBCS  
Ms J Hutt HR

**Subject** Response to EIA (Equality Impact Assessment) form sent to UCU by HR on the 19 January 2012.

Dear Ms Brosnan, Prof Evans and Ms Hutt

As stated in the QMUL Strategic Plan 2010-2015, "*Queen Mary is committed to ensuring that all members of its community are confident that the realisation of personal potential is in no way restricted by race, religion, gender or sexual orientation*". We would like to remind that protected characteristics defined under 2010 Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

We believe that the "restructuring of SBCS" and "redundancies of 20 or more staff", will **affect equality characteristics** and will result in **discriminations violating** the Equality Act 2010. 'The EHRC (Equality and Human Rights Commission) and The Equality Challenge Unit (ECU) suggest in their guidance that the assessment process is one of the best and most reliable ways 'to show due regard'. Case law from previous duties clearly demonstrates that impact assessments should be carried out **before** any decisions are made' (UCU on Equality Duty). Therefore, the Equality Impact Assessment EIA is an integral part of any restructuring process and should be used to assess in detail the implications that the proposed redundancies will have on the School of Biological and Chemical Sciences. We are aware that there is no legal requirement to carry out a formal, well documented EIA under the GB-wide duty, but

QMUL clearly states 'equality' in its recruitment policy, and, therefore, HR needs to fulfil its public obligations and show due regard to equality of QMUL staff members.

The EIA form filled by HR stated that a full impact assessment will not be carried out as part of the 'screening' where question B3 '*Could the item have a significant impact on equality by reducing inequalities that already exists (please give details)*' was left answered and Ms S. Brosnan (HR consultant) stated in an email '*this is unknown at this stage*'.

However, a vague justification is given in the form stating '*The screening does not identify that the item has an adverse effect on members of an equality group. A further EIA will be undertaken at the end of the consultation process to assess the impact of the structure that is to be put in place/selection criteria (at which point a decision will be made as to whether a full impact assessment is required). There will also be a separate EIA undertaken for any consultation process related to a proposed restructure of the School's support structure*'.

We demand a response to the EIA form provided by HR that it **should have been carried out** during the so called 'restructuring process' within SBCS. We, therefore, specifically ask how it will now be done, who will be affected and how the views of those affected will be taken into consideration? Furthermore, we request HR to follow the EHRC's guidance on EIAs, equality analysis, information gathering and engagement with all staff affected (including students as they have been identified on the form).

As stated above, we consider that the current EIA form is **unacceptably vague**, resembling a ticking box exercise where **no evidence for any assessment criteria** has been given and **no review of impacts on equality has been provided**. There are several specific concerns we have to raise:

1. **Initially, the EIA form was not included when all documents were sent out to SBCS staff by HR and, consequently, UCU had to make a specific request for the EIA form** to be sent during the meeting with HR, VP and HoS. The Equality Impact Assessment (EIA) form was emailed to UCU by Ms Sue Brosnan on January 19<sup>th</sup> at 16.24. We requested it as part of the consultation documents as HR is bound to show due regard to the Equality Act 2010. We intentionally emphasise the timeline here, because it clearly demonstrates a lack of any awareness of HR towards SBCS academics, students and other members of the department. Under the duty of s.149 of the Equality Act, we argue that the form should have been sent to all SBCS academics

(not only UCU members) as all SBCS academics are currently under ‘restructuring and redundancy’ processes.

2. HR has ticked off the box ‘students’ with no explicit remarks on the impact on equality. If the category ‘students’ are impacted, we request urgently a detailed and explicit explanation. We further demand that HR communicates this current EIA form to the students as they certainly need to be consulted on these issues.
3. We cannot accept the current EIA form as meaningful for any assessment. In its current dubious form, it would potentially affect negatively an arbitrary number of staff members. Considering the ‘selection criteria’ stated in the official documents handed out to SBCS academics, HR surely is aware about the potentially affected staff members and, thus, would be able to predict how many ‘protected categories’ under the Equality Act would be **violated** (protected characteristics such as: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation). We would like to see HR performing a meaningful EIA process to assess the implications of these redundancy proposals on “protected categories”.
4. HR has pointed out that an Equality Impact Assessment, - obviously another one -, will be carried out at the end of the restructuring and redundancy process. The ‘impacted colleagues’ will by then be gone and certainly, the impact on structure will have already shown detrimental effects on the School’s performance, not least on teaching, staff’s health and consequently, academic output.
5. **HR have admitted that they have taken more time in starting the formal consultation process** (various email communications from December 2011 through January 2012). Thus, if HS has taken more time **why was a process of assessment not duly carried out?** Surely, time was not adequately used to carry out any meaningful impact assessment.

Sincerely

On behalf of QM UCU

Dr Jenny M Schmid-Araya (Equality Rep UCU)

Dr Rachel Ashworth (Executive Committee member UCU)

## RESOLUTIONS PASSED AT GENERAL MEETINGS OF THE QUEEN MARY UCU BRANCH

21 October 2009:

“The Queen Mary UCU Branch rejects the imposition of a system of performance management that has not been agreed between management and the local union for general use. Furthermore, it rejects the use of financial and performance targets which are discriminatory and are not within the overall capacity and control of a member to deliver for assessing a member's performance including probation performance.

We call upon management:

(a) to suspend this form of performance management and enter into negotiations with UCU on this matter and

(b) to enter into talks with the union to establish fair and equitable probation terms for academic staff.”

25 January 2012:

“Queen Mary UCU branch notes:

- the rolling programme of restructurings across the college;
- the current restructuring proposals for SBCS with the possibility of over twenty redundancies;
- the attempt to impose rolling performance management on colleagues, which the branch regards as a fundamental attack on our terms and conditions and academic values and freedom at Queen Mary.

Queen Mary UCU branch resolves:

- to call upon college management to suspend any programme of restructuring that involves redundancies;
- to call upon college management to pause and revise the current proposals for SBCS to remove the possibility of redundancies;
- to commit itself to a college-wide campaign to oppose all restructurings that involve redundancies and the imposition of rolling performance management, including through industrial action, should college management continue with restructurings that involve redundancies.”

3<sup>rd</sup> November 2011

**COMMENTS, STATEMENTS AND QUESTIONS**  
SUBMITTED BY UCU TO MATTHEW EVANS  
IN RESPONSE TO AN INVITATION FOR INFORMAL CONSULTATION  
BASED ON A PROPOSAL TO REFOCUS THE ACTIVITIES OF SBCS  
[DOCUMENT SUBMITTED TO ALL STAFF ON THE 5<sup>th</sup> OCTOBER 2011]

**A. COMMENTS AND STATEMENTS**

1. UCU believes that there is need for an improvement in research achievement in SBCS and welcomes change directed towards this objective.
2. UCU believes that redundancies will be counterproductive to the realisation of this important goal.
3. Future funding streams are unpredictable. Therefore the proposed restructuring may not be correctly addressed to future opportunities for increased research grant income.
4. The proposed restructuring is not concerned with the effects of redundancies on the delivery of programmes to our students. This is unacceptable for a School that depends on student-related income (70%) and provides an excellent student experience.
5. We predict the teaching programmes will collapse if these plans are implemented. This is both because SBCS will lack the broad scientific expertise we currently maintain and because there is no provision for cover.
6. The proposal to generate 15 positions in bioinformatics seems arbitrary and unsubstantiated. This is both in terms of research and teaching. Whole areas of biological sciences are missing in the proposed restructure.
7. The numbers of staff allocations on Table 3 are wrong.
8. Any move in the direction of redundancies will be met with an immediate union response, including an open campaign against redundancies and taking the appropriate steps for industrial action.
9. The College has related (but separate) procedures, which apply to organising work and developing, consulting and implementing proposals for organisation change. UCU invites the HoS to engage with staff under these procedures in order to avoid industrial disputes and in an effort to foster a productive and equitable working environment.
10. SBCS is one of the most successful recruiters of high-qualified students in the College and scores highly for student satisfaction. Any moves to improve on research should be based on further recruitment and inward investment.

## **B. QUESTIONS**

1. How does each staff member's current job specification map into the allocation of staff in Table 3? A detailed table is requested which contains this information.
2. Why are major programmes of education (such as C100 Biology and others) omitted from the document?
3. Has the HoS produced a detailed account of Staff numbers required to deliver teaching in the Programmes we currently offer? That information should be public and inform the consultation.
4. Which strategic documents/business cases have been used to predict future funding trends?
5. With reference to the STRATEGIC REVIEW – December 2010, by Professors Sabine Flitsch, Stephen Hawkins and Nick Talbot: "Staff who are under performing in research will need to be supported and encouraged to improve their research performance...". What are the plans to implement this?
6. Why has funding from the Medical Research Council, the EU, independent foundations, charities and industrial partners not been included in the planning considerations? Some of the above-mentioned sources provide the basis for research required to inform the Biomedical Sciences Programme.
7. If funding trends change, is the proposal that staff composition also change?
8. Given there are no plans to "cease or diminish" any of our activities how do you plan to effect several redundancies under the definition of this word in British and European law?
9. Is performance management implicit in the new structure?
10. Does the HoS disagree that the staff-to-student ratio is the MAIN reason for not achieving the desirable research outputs in SBCS?
11. Can we have more detailed information about the comment circulated by the HoS stating "Additionally I am being made aware of various arrangements by which overheads are 'returned' to staff by way of favourable deals over studentships and the like. This will no longer happen." Could it be that staff who have not accepted or received favourable deals are currently at a competitive disadvantage?
12. Why is there no analysis of the impact of the proposed changes on the ethos of the SBCS? There is no room for abusing this spirit and expecting the NSS score to remain at the same high level.
13. Where did the surpluses generated over many years go?