

Kirsty Allen

From: Kirsty Allen
Sent: 21 January 2010 15:09
To: 'Ellis Ferran'
Subject: RE: FW: GB Ordinances

No worries
K

Kirsty Allen, MA PhD
Senior Assistant Registry
Secretariat
The Old Schools
Trinity Lane
Cambridge, CB2 1TN

Email: [REDACTED]
Telephone (direct dial): [REDACTED]
Telephone (Secretary): [REDACTED]

-----Original Message-----

From: Ellis Ferran [mailto:[REDACTED]]
Sent: 21 January 2010 15:08
To: Kirsty Allen
Subject: Re: FW: GB Ordinances

Kirsty

Running slightly late but leaving College now.

Ellis

Kirsty Allen wrote:

> Ellis,
> How about 3.15pm tomorrow (Thursday)? Very happy for you to come here - but equally happy to come to you if that's easier.

> K

>

>

>

> Kirsty Allen, MA PhD
> Senior Assistant Registry
> Secretariat
> The Old Schools
> Trinity Lane
> Cambridge, CB2 1TN

> Email: [REDACTED]
> Telephone (direct dial): [REDACTED] Telephone (Secretary): [REDACTED]
> [REDACTED]
> [REDACTED]

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> Ellis
>
> Kirsty Allen wrote:
>
>> Ellis.
>>
>> I understand that you are seeing Susan at 11am today. Do let me know if you require any further documentation or information from me thereafter.
>>
>> I'd be pleased to look at any revised draft - and, as necessary, have a meeting or a telephone conversation.
>>
>> My diary is very congested today, but clearer towards the end of the week.
>>
>> With best wishes
>> Kirsty
>>
>>
>> Kirsty Allen, MA PhD
>> Senior Assistant Registry
>> Secretariat
>> The Old Schools
>> Trinity Lane
>> Cambridge, CB2 1TN
>>
>> Email: [REDACTED]
>> Telephone (direct dial): [REDACTED] Telephone (Secretary): [REDACTED]
>>
>>
>>
>> -----Original Message-----
>> From: Ellis Ferran [mailto:[REDACTED]]
>> Sent: 16 January 2010 11:13
>> To: Susan Bowring
>> Cc: Kirsty Allen
>> Subject: Re: FW: GB Ordinances
>>
>> Dear Susan
>>
>> One of the things that lies behind my question is a statement by Dr
>> Evans (on the ucam website) that
>>
>> "Today's Reporter Notice on Board of Scrutiny Report, speaks of Notice and Grace process for pushing through the Learning Support Services proposals.
>> So that would not even give us a Discussion at Grace stage."
>>
>> I would like to be completely sure that I understood the nuts and bolts of how ordinances are actually made. This will be very basic stuff for you so I'm sure it won't take long.
>>
>> I'm teaching 9-11 and 4 - 7 pm on Monday but you should be able to catch me in College in between. If it would be easier for you to set out the explanation in an email that would be fine.
>>
>> Best wishes
>>
>> Ellis
>>
>>
>> [REDACTED] wrote:
>>
>>
>>> Dear Susan,
>>>
>>> May I ask you to be in touch with Professor Ferran in connection with the following message?
>>>
>>> Yours,
>>> [REDACTED]
>>>

>>> -----Original Message-----

>>> From: Ellis Ferran [mailto: [REDACTED]]

>>> Sent: 15 January 2010 16:27

>>> To: Kirsty Allen: [REDACTED]

>>> Subject: Re: FW: GB Ordinances

>>>

>>> Actually Kirsty can I please press this one a bit further? By 'process'

>>> I meant the formalities/mechanics of making a General Board ordinance

>>> C.1.2 is an empowering provision but it doesn't really deal with the mechanics. What should I be looking at for this? I'm sorry if this is all very basic and obvious stuff that those of us not at sharp end can get by for years without knowing. I've copied this message to [REDACTED] in case he'd like to reply directly

>>>

>>> Ellis

>>>

>>> Kirsty Allen wrote:

>>>

>>>

>>>

>>>> Dear Ellis,

>>>> I forward an email from [REDACTED] the Academic Division (and a member of the GB secretariat) about the process for the making of GB Ordinances. I hope that this is helpful - but do please get back to us if you have further queries.

>>>> I also attach the cover memo which I will include with the papers I will drop off at St Catharine's on my way home this evening. If you have five minutes this afternoon, I'd be very happy to talk through a couple of matters with you.

>>>> K

>>>>

>>>>

>>>> Kirsty Allen, MA PhD

>>>> Senior Assistant Registry

>>>> Secretariat

>>>> The Old Schools

>>>> Trinity Lane

>>>> Cambridge, CB2 1TN

>>>>

>>>> Email: [REDACTED] Telephone (direct dial): [REDACTED]

>>>> Telephone (Secretary): [REDACTED]

>>>> [REDACTED]

>>>>

>>>>

>>>> -----Original Message-----

>>>> From: [REDACTED]

>>>> Sent: 15 January 2010 11:30

>>>> To: Kirsty Allen

>>>> Subject: GB Ordinances

>>>>

>>>> Dear Kirsty,

>>>>

>>>> You asked about the process for the making of GB Ordinances. As I am sure you know the provisions are given under Statute C.1,2 (see below). As for the process, the General Board is advised by various bodies (Education Committee, BGS, HR Committee) when new or amended Ordinances are required. The Board receives and approves the minutes of these bodies and an action list is circulated after each GB meeting to the appropriate officers to take forward the recommendations (eg to appear in Reporter as a Notice; be submitted to the Council for a Report/Grace).

>>>> The Draftsman attends the General Board meetings and is routinely involved in preparing any Ordinance. The Draftsman is responsible for publication in Reporter once the Ordinance has been signed off by all the appropriate bodies. Inclusion of new or amended Ordinances in Statutes and Ordinances happens as part of the annual updating of the new edition, for which, again, the Draftsman is responsible.

>>>>

>>>> Yours,

>>>> [REDACTED]

>>>>

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>>>>

>>>>

>>>> Stat C, I, 2

>>>>

>>>> 2. Subject to the provisions of the Statutes, the General Board shall have power, after consulting other bodies, as appropriate, to enact Ordinances and to issue Orders relating to

>>>> (a) the administration and management of the institutions under its
>>>> supervision other than the Schools and the Councils of the Schools;
>>>> (b) such University examinations, and such degrees, diplomas, and
>>>> other qualifications as are specified in Schedule K;
>>>> (c) such other matters as may be delegated to it from time to time by Grace of the Regent House
>>>> The University may make alterations in Schedule K from time to time by Grace.

>>>>

>>>>

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>>>

>>>

>> --

>> Professor Ellis Ferran

>> Professor of Company and Securities Law Law Faculty, University of

>> Cambridge 10 West Road, Cambridge, CB3 9HW

>> [REDACTED]

>>

>>

>>

>>

>

--

Professor Ellis Ferran

Professor of Company and Securities Law

Law Faculty, University of Cambridge

10 West Road, Cambridge, CB3 9HW

[REDACTED]

Kirsty Allen

From: Jonathan Nicholls
Sent: 22 January 2010 15:50
To: Kirsty Allen
Cc: [REDACTED]
Subject: RE: Documents - K5 representation

Kirsty,

This looks comprehensive to me and presumably Professor Ferran would have requested access to other documents if she thought it necessary

Jonathan

Dr J W Nicholls
Registrary
The Old Schools
University of Cambridge
CB2 1TN

T: [REDACTED]
F: [REDACTED]
E: [REDACTED]

From: Kirsty Allen
Sent: 22 January 2010 09:26
To: Jonathan Nicholls
Cc: DIST Registrary
Subject: Documents - K5 representation

Jonathan,
I said that I'd give you a list of the documents which I've provided to Professor Ferran. Please find attached my memo to her.
[REDACTED] and I are meeting this afternoon.

Kirsty Allen, MA PhD
Senior Assistant Registrary
Secretariat
The Old Schools
Trinity Lane
Cambridge, CB2 1TN

Email: [REDACTED]
Telephone (direct dial): [REDACTED]
Telephone (Secretary): [REDACTED]

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22 01 2010

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Kirsty Allen

From: Elis Ferran [REDACTED]
Sent: 25 January 2010 14:32
To: ROLE Vice-Chancellor
Cc: [REDACTED] Kirsty Allen
Subject: K.5

Attachments: Vice-Chancellor FINAL.doc



Vice-Chancellor
FINAL.doc (41 ...)

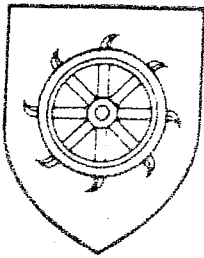
Dear Vice-Chancellor

I attach my letter of advice. A hard copy will follow via UMS.

Best wishes

Elis

Professor Elis Ferran
Professor of Company and Securities Law
Law Faculty, University of Cambridge
10 West Road, Cambridge, CB3 9HW
[REDACTED]



Professor Eilís Ferran
Professor of Company and Securities Law
Director of Studies in Law

The Vice-Chancellor
Old Schools
University of Cambridge

25 January 2010

Dear Vice-Chancellor,

Representation under Statute K,5

You have asked me to advise you as to the decision you might make under Statute K,5 with regard to whether there is substance in [REDACTED] representations. I consider each of her representations in turn below. In summary, my opinion is that none has substance.

The General Board is in breach of Statute C, I, 2 ... in that it has put before the Council for publication a Notice published in the Reporter of 26 November, 2009 (Review of Teaching and Learning Support Services), in which it declares the intention of proceeding with a plan

- (a) radically to reconfigure several institutions under its supervision, including the University Library, without consulting the Regent House except insofar as particular elements in the plan may ultimately require a Grace, and**
- (b) to put such Grace or Graces at its own discretion by way of Notice and Grace and not by publishing a Report.**

The Review does not contain declarations in the terms suggested by [REDACTED] so the premise of this representation is factually incorrect. I am conscious that the brevity of this response could create a misleading impression so, for the record, I note here that I have read the Review carefully several times looking, in vain, for passages setting out the intentions that [REDACTED] attributes to the General Board.

The General Board is in breach of Statute A,II,1 ... in failing to create a Statute C Ordinance or to publish such Ordinance if it is deemed to have been created by any act of the General Board.

Statute A.II.1 is empowering rather than mandatory. The general principle is that if a body has a discretionary power, then it is for the body to decide whether and how to exercise it. In general, then, failure to utilise a discretionary power is not a breach of the statute in question. This is subject to the qualification that on a true construction of a

statute, there may be an implied duty to exercise the power in particular circumstances. There are no clear indications in Statute A.II.1 as to circumstances in which an implied duty could arise. I will proceed on the basis that there could be an implied duty and that, applying general principles of public law, it would arise in circumstances in which it would be unreasonable not to exercise the power. The unreasonableness test is pitched at a very high level in public law. The usual way of expressing the test is to say that a decision is unlawful if it is one to which no reasonable authority could have come. Within the bounds of legal reasonableness, understood in this way, a public authority has genuinely free discretion.

To find that the General Board is in breach of Statute A.II.1 in failing to create an Ordinance, it must therefore be shown that the plans were sufficiently advanced to have triggered the implied duty that I have identified. In my opinion, it is for [REDACTED] to specify clearly in her representation the "act" (or "omission") that in her view caused the duty to arise. I do not consider that she has done so. It follows from my response to the first representation that the Notice published in the Reporter cannot be considered to have triggered or created any relevant duty.

I do not understand the basis for saying that an Ordinance can be made on a de facto basis by reason of an act of the General Board. The onus is on [REDACTED] to identify clearly the "act" in question and the basis on which it can be "deemed" to be an Ordinance. In my opinion, she has not done so.

if any act of the General Board relating to these proposals is alleged to have created an Order, that is ultra vires unless such Order has been published in the Reporter and declared to be an Order of the General Board because it creates uncertainty about what is and is not part of the University's domestic legislation in breach of Statute A.II.1 which requires that no conflict be allowed to arise in the Statutes and Ordinances.

An act that "is alleged to have created an Order" is not an Order; it is a hypothetical or speculative allegation. As such, there is nothing identified in this representation to which the *ultra vires* doctrine could attach.

If no Ordinance or Order is deemed to have been created by the General Board, the present course of action by the General Board directed towards the radical and irreversible reconfiguration of the operation of the University Library without consulting the Regent House in a Report is likely to be *ultra vires*.

This comment is presumably not intended to be part of the representation. A suggestion of the likelihood of *ultra vires* is not an allegation that there *has been* a contravention, which is what K.5 requires. Furthermore, a "course of action" over an unspecified period of time is insufficiently precise for the purposes of K.5 because it is impossible to pinpoint a date from which a 30 day period could be calculated.

General observations

I am aware that the General Board undertook in its Annual Report for 2007-8 to consider comments on the Review of Teaching and Learning Support Services and to make substantive recommendations, where the University's approval was required, in the course of 2008-9. It appears that the timetable has slipped but the Notice of 9 November 2009 indicates a continuing commitment by the General Board to report, as necessary, to the University. This commitment is consistent with the legal framework. If, or when, the General Board comes to the view that legislative change is needed, it will have to consult as appropriate, as required by Statute C.I.2. The statement of intention (Statutes and Ordinances (2009), p 117) makes it clear that the Regent House is to be consulted on any matter requiring legislation that is likely to prove controversial.

I have proceeded on the basis that the K,5 inquiry procedure is a limited one relating only to acts or omissions that are clearly identified in the submitted representation and supported by full details.

Materials consulted

I have read the material supplied to me by Dr Kirsty Allen, as listed in her memo of 15 January. I have referred to relevant provisions of the Statutes and Ordinances. I have considered postings on [ucam.change.governance](#) and the consultant's report mentioned by [REDACTED]

Conclusion

I hope my advice is clear. Should you have any questions, I am, of course, at your disposal.

Yours truly

Eilis Ferran

Kirsty Allen

From: Kirsty Allen
Sent: 25 January 2010 16:49
To: 'Eilis Ferran'
Subject: RE: K.5

Dear Eilis,

We are all most grateful to you for your work on this; an excellent job and delivered in a very timely fashion. On a personal level, I would just say that it has been a pleasure to work with you again.

K

Kirsty Allen, MA PhD
Senior Assistant Registry
Secretariat
The Old Schools
Trinity Lane
Cambridge, CB2 1TN

mail: [REDACTED]
Telephone (direct dial): [REDACTED]
Telephone (Secretary): [REDACTED]

-----Original Message-----

From: Eilis Ferran [mailto:[REDACTED]]
Sent: 25 January 2010 14:32
To: ROLE Vice-Chancellor
Cc: [REDACTED] Kirsty Allen
Subject: K,5

Dear Vice-Chancellor

I attach my letter of advice. A hard copy will follow via UMS.

Best wishes

Eilis

Professor Eilis Ferran
Professor of Company and Securities Law
Law Faculty, University of Cambridge
10 West Road, Cambridge, CB3 9HW
[REDACTED]

Kirsty Allen

From: Alison Richard
Sent: 26 January 2010 11:29
To: 'Ellis Ferran'; ROLE Vice-Chancellor
Cc: [REDACTED] Kirsty Allen
Subject: RE: K 5

Dear Professor Ferran

Thank you so much for giving this matter such prompt and thoughtful attention. I will carry the matter forward mindful and appreciative of your advice

With thanks and best wishes.

Alison

-----Original Message-----

From: Ellis Ferran [mailto:[REDACTED]]
Sent: 25 January 2010 14:32
To: ROLE Vice-Chancellor
Cc: [REDACTED] Kirsty Allen
Subject: K,5

Dear Vice-Chancellor

I attach my letter of advice. A hard copy will follow via UMS.

Best wishes

Ellis

Professor Ellis Ferran
Professor of Company and Securities Law
Law Faculty, University of Cambridge
10 West Road, Cambridge, CB3 9HW
[REDACTED]

Kirsty Allen

From: Kirsty Allen
Sent: 29 January 2010 15:15
To: 'Ellis Ferran'
Subject: K. 5 representation
Attachments: [REDACTED]

Dear Ellis,

As discussed, letter attached.

Thanks again for all of your work on this.

K

Kirsty Allen, MA PhD
Senior Assistant Registry
Secretariat
The Old Schools
Trinity Lane
Cambridge, CB2 1TN

Email: [REDACTED]
Telephone (direct dial): [REDACTED]
Telephone (Secretary): [REDACTED]

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22/07/2010

Bcc: Registry
Dr K Allen
Mr D Parsons

29 January 2010

Dear [REDACTED]

I refer to your representation of 20 December 2009 under Statute K, 5.

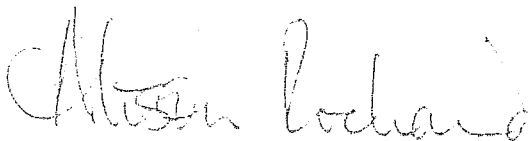
As stated in my letter to you dated 6 January 2010, I asked Professor Ferran to conduct an investigation and to advise me as to the decision I might make.

Professor Ferran has now reported to me and I enclose a copy of her report. Having carefully considered the facts and issues arising in relation to your representation, I concur with Professor Ferran's advice, for the reasons which she gives.

Accordingly, I find that there has been no contravention of the Statutes, Ordinances or any Order, as represented by you, and I so declare.

In your email of 21 January 2010, you referred to my role as chair of the General Board. I do not accept that my chairmanship of the General Board required me to recuse myself in determining this matter.

Yours sincerely



A F Richard

The Old Schools
Trinity Lane
Cambridge CB2 1TN

Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]

Kirsty Allen

From: Kirsty Allen
Sent: 09 February 2010 09:34
To: 'Ellis Ferran'
Subject: FW: Commissary forms please

Dear Ellis,

For information only; there is nothing you need or should do. This can, of course, only be about one matter - and, as Jonathan says, is no surprise to any of us.

Give me a call if you want to chat about it.

K

Kirsty Allen, MA PhD
Senior Assistant Registry
Secretariat
The Old Schools
Trinity Lane
Cambridge, CB2 1TN

Email: [REDACTED]
Telephone (direct dial): [REDACTED]
Telephone (Secretary): [REDACTED]

From: Jonathan Nicholls
Sent: 07 February 2010 14:59
To: Alan Clark
Cc: Kirsty Allen; [REDACTED]
Subject: FW: Commissary forms please

Alan

No surprise. Will you communicate with her about the forms please.

Jonathan

Dr J W Nicholis
Registry
The Old Schools
University of Cambridge
CB2 1TN

T: [REDACTED]
F: [REDACTED]
E: [REDACTED]

22/07/2010

From: [REDACTED] [mailto:[REDACTED]]
Sent: 06 February 2010 09:17
To: DIST Registry
Subject: Commissary forms please

It is not obvious who is currently responsible for providing the forms on which one makes an application to the Commissary. Please could this be forwarded to the relevant officer who can send me the forms?

[REDACTED]

3. A member of the University submitting a matter to the Commissary must do so in writing, using the approved application form. The applicant shall send three copies of the form and of the accompanying material to the Commissary at the specified address.



UNIVERSITY OF
CAMBRIDGE

University Offices

To: Registry
Copy: Academic Secretary

Subject: Statute K, 5: [REDACTED]

Following our conversation, attached is a copy of [REDACTED] application to the Commissary for review. This has been referred to the Commissary.

As we discussed, I am including in the coming Council circular a recommendation that the Registry is appointed as the respondent, assisted by the Academic Secretary in respect of the General Board's own action.

ALAN CLARK
26 February 2010

pl. cc to [REDACTED]

[REDACTED]

best / then need
to discuss

UNIVERSITY OF CAMBRIDGE

APPLICATION FOR REVIEW BY THE COMMISSARY

THREE COPIES OF THIS FORM WITH THREE FULL COPIES OF ACCOMPANYING MATERIAL TO BE RETURNED BY THE APPLICANT TO THE COMMISSARY, C O THE SECRETARIAT, UNIVERSITY OFFICES, THE OLD SCHOOLS, CAMBRIDGE CB2 1TN.

PLEASE READ THE NOTES OF GUIDANCE (PAGES 5 - 10) BEFORE COMPLETING THE FORM.

SECTION A: THE APPLICANT

FULL NAME AND TITLE: [REDACTED]

FULL POSTAL ADDRESS: [REDACTED]

COLLEGE (IF ANY): [REDACTED] (FORMER FELLOW) [REDACTED]

TELEPHONE: [REDACTED]

FAX: [REDACTED]

EMAIL: [REDACTED]

STATE CATEGORY OF MATRICULATED MEMBERSHIP OF THE UNIVERSITY (E.G. UNDERGRADUATE, GRADUATE STUDENT, UNIVERSITY OFFICER, FELLOW OF COLLEGE, GRADUATE OF THE UNIVERSITY (IF SO STATE DEGREE AND YEAR))

SECTION B: DECLARATION BY THE APPLICANT

I REQUEST THAT THE MATTER SET OUT IN THIS APPLICATION FORM AND ACCOMPANYING PAPERS BE REVIEWED BY THE COMMISSARY. I UNDERTAKE TO ABIDE BY THE TERMS OF STATUTE D, V, SECTIONS 6-14 AND THE RULES OF PROCEDURE MADE BY THE COMMISSARY. I UNDERSTAND THAT THE COMMISSARY, OR A DEPUTY, MAY STRIKE OUT A CASE WHICH IN HIS OR HER OPINION IS VEXATIOUS, FRIVOLOUS, OR OUT OF TIME. I CERTIFY THAT THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE TRUE, ACCURATE AND COMPLETE, AND THAT I HAVE NOT WITHHELD MATERIAL INFORMATION.

SIGNED: [REDACTED] (APPLICANT)

DATE: 20 FEBRUARY, 2010

SECTION C: THE MATTER TO BE REVIEWED

(A) STATE THE NATURE AND DATE OF THE MATTER TO BE REVIEWED. ATTACH COPIES OF THE RELEVANT DOCUMENTS.

I. The procedural unsatisfactoriness of the failure of the General Board to 'consult' by the publication of a Report before entering upon a course of action effectively preempting the possibility that the decision of the Regent House may be to veto the Graces which will ultimately be necessary, this course of action being *ultra vires* the General Board's powers under Statute C, I, 2 which requires appropriate consultation before such action can be taken.

The Notice which restates the decision not to publish a Report in the usual manner was published in the *Reporter* on 26 November, 2009 [DOCUMENT 5].

II. The procedural unsatisfactoriness of the conduct of a representation made to the Vice-Chancellor on this matter at the end of December 2009 under Statute K,5, which appears to have implications for the proper conduct of inquiries under Statute K,5 in general.

NOTE ON THE COMMISSARY'S JURISDICTION WHERE THERE HAS BEEN NO APPEAL TO THE CHANCELLOR UNDER STATUTE K,5

The appeal to the Chancellor was deemed by Mr. Justice Sedley, granting permission for judicial review, arguably to be 'not a true alternative form of recourse at all for the following reasons':

5. *Cambridge University has no Visitor. The Vice-Chancellor is able to take the advice of a Commissary, and has done so in relation to one aspect of the present case. Acting upon the advice of the Commissary, Lord Oliver, the Vice-Chancellor has declared that there is no contravention of the Statutes or Ordinances in the delegated procedure which I have mentioned. It is Mr Béar's submission that [REDACTED] has*

failed to use the procedure for further challenge which arises at such a point. It is set out in Statute K, 5 and provides that any 100 members of the Regent House dissatisfied with the Vice-Chancellor's decision may appeal within one week in writing to the Chancellor of the University, H.R.H. The Duke of Edinburgh, whose decision shall be final.

6. I accept [REDACTED] submission, at least to the extent of holding it arguable, that this is not a true alternative form of recourse at all. It can relate in the present case only to the delegation issue and it can be operated only if forty-nine other members of the Regent House within one week are prepared to join with her in making the challenge.

(Cambridge University Reporter, 22 October, 1997.
<http://www.admin.cam.ac.uk/reporter/1997-8/weekly/5716/4.html>)

(B) STATE GROUNDS FOR SEEKING REVIEW. STATUTE D, V, 7 REFERS TO A DECISION OR SOME ASPECT OF A DECISION BEING UNREASONABLE BY BEING ULTRA VIRES, PROCEDURALLY UNSATISFACTORY, OR INCORRECT IN FACT. INDICATE HOW YOU BELIEVE THIS APPLIES IN THIS CASE.

THE DECISION OF THE GENERAL BOARD IN ITS NOTICE OF 26 NOVEMBER 2009 NOT TO CONSULT WITH THE REGENT HOUSE BY PUBLISHING A REPORT TO THE UNIVERSITY, IS PROCEDURALLY UNSATISFACTORY AND UNREASONABLE BY BEING ULTRA VIRES

I.1. The General Board has failed to consult as appropriate before moving forward with proposals radically to reconfigure several institutions under the supervision of the General Board going beyond the authorisation of the present Ordinances. In the case of the University Library, there is an express requirement that new rules shall not be consistent with any Ordinance.

I.2. The General Board has delegated powers to enact Ordinances and issue Orders under Statute Statute C, I, 2, after consulting other bodies as appropriate:

Subject to the provisions of the Statutes, the General Board shall have power after consulting other bodies as appropriate to enact Ordinances and to issue Orders relating to

the administration and management of the institutions under its supervision other than the Schools and the Councils of the Schools.

I.3 Statute D. XI states that:

1. There shall be in the University a Library Syndicate which shall have power to make rules for the management of the University Library, provided that such rules shall not be inconsistent with any Ordinance.

2. The Librarian is placed under the direction of the Library Syndicate and shall act as Secretary to it. It shall be the duty of the Librarian

(a) to be responsible for the management of the University Library in all respects as determined by Ordinance and by the rules made by the Library Syndicate;

(b) to act as the General Board's principal adviser on matters relating to libraries;

(c) to be responsible, in consultation with the Registry where appropriate, for the custody and arrangement in the Library of the University archives and of documents that are added thereto at the request of the Registry or otherwise, provided that the Registry shall be entitled to require the temporary deposit in the Registry of any document to which he or she may need to refer

I.4 Professor Ferran accepts in her advice to the Vice-Chancellor that consultation will have to take place before Ordinances can be changed by the General Board under its Statute C powers and also that the published timetable has slipped [DOCUMENT 9. CORRESPONDENCE RELATING TO K.5 INVOCATION]. The 'rules' envisaged above appear to cover such matters as the conduct of readers in the Library, but in the event of a reconstruction of the Libraries to embrace the University Computing Service, the Language Centre and CARET as well as the Faculty Libraries, there is clearly going to be a need for radical revision of the Ordinances and consideration of the possibility that the Library Syndicate may no longer be the appropriate overall supervisory body with powers to make rules for all these areas of the University's work. To delay consultation with the Regent House on these complex questions year after year cannot be 'appropriate'.

1.5 Is it reasonable to continue to delay consultation by not publishing a Report?

1.5.1 The first question is whether is it reasonable in all the circumstances to delay this consultation when a Discussion of a Topic of Concern has been held and it is known that there is widespread disquiet about the proposals which are being taken forward.

1.5.2 It is a fundamental presumption that there will be consultation of the Regent House before a Grace is put. That is why the normal practice is to publish a Report to the University, which is always followed by a Discussion, a response from the Council as appropriate, and the putting of the Grace with ten days allowed to call a ballot and provision for the creation of flysheets which are circulated with the ballot papers.

1.5.3 In the Michaelmas Term 2007, the General Board set up a committee to undertake a review of teaching and learning support services in the University. [SEE CHRONOLOGY]

1.5.4 The Regent House was informed in the *Reporter* of 20 February, 2008 that this was taking place, with an invitation to send in comments with an end-date of 31 March, allowing very little time. It is not suggested that this method of proceeding was procedurally unsatisfactory at this stage of the process, though a rather short time was allowed for the submission of comments.

1.5.5 The committee reported to the General Board but the General Board did not Report to the University, or publish the 'report' in the *Reporter* or publish a Notice with a URL to enable members of the Regent House to read it. Though the report was not published, on 6 August 2008 comments on the report were invited in a letter from: 'Councils of Schools, University Librarian, Director of the University Computing Service, Director of the Language Centre, Director of CARET, Senior Tutors' Committee, Education Committee, Committee on Libraries, ISSS'.

1.5.6 On this choice once more of a short time-frame for responses [REDACTED] commented in a speech in the Topic of Concern Discussion of 7 July 2009

[DOCUMENT 3. EXTRACTS FROM SPEECHES MADE AT THIS DISCUSSION];

It engaged in a consultation process that was so transparently designed to restrict the time available for comment and consideration by sending the review document to Secretaries of Schools in August.

I.5.7 The *Reporter* of 1 December 2008 carried the Annual Report of the General Board in which Section 3.1 revealed that the committee had reported to the General Board:

3. Teaching, learning, and assessment

3.1. The Board set up a Review Committee in October 2007 (*Reporter*, 2007-08, p. 526) to look at Teaching and Learning Support Services, which reported in July 2008. The scope of the review principally concerned activities currently supported by the University Library (UL), University Computing Service (UCS), Language Centre, and Centre for Applied Research in Educational Technologies (CARET).

The Annual Report (3.1 (ii) spoke of 'developing the role of the University Librarian' and (iii) 'bringing the management arrangements for CARET and the Language Centre within the remit of the Librarian' and (iv) creating a new Steering Group which would plainly require changes to the existing Statute and Ordinances.

I.5.8 The report's implications began to be realized as a consequence of discussion in the informal ucam.governance newsgroup. Concerns were being expressed by those likely to be affected, particularly in the Computing Service whose members were active in posting comments to the newsgroup, by proposals which were emerging piecemeal to amalgamate a number of institutions, including the Language Centre, the University Computing Service and CARET, as well as Faculty and other libraries, with the University Library, and to place them all under the management and direction of the University Librarian.

I.5.9 A Discussion on a Topic of Concern was called on 'The unpublished report from the committee reviewing teaching and learning support services' and held on 7 July 2008. The thrust of the speeches was that the review of teaching and learning

support services in the University was a matter of such enormous importance that it needed the widest possible consultation and should not be conducted on the presumption that the plan to put the University Librarian in charge of the whole area of activity was the right one. As [REDACTED], a member of the Council, put it in his speech 'it is no small deal'. He expressed bewilderment at the decision not to publish the report:

I do not understand the General Board's decision not to publish. It has inspired only suspicion. Nobody would have blinked if it had been published in the Reporter. A few extra comments would have been made in Discussion, and the Board would have proceeded on with the full set of comments from the Regent House as well as its favoured committees. Such a Discussion could be referred to in any future Graces deriving from the report. It would only have brought benefits. So why didn't they publish it?

I.5.10 Many of the speakers complained of lack of consultation, for example [REDACTED]

I share the view of those who have called for this Discussion that the report arising from the review of teaching and learning support services in the University carried out in 2008 is a matter of such importance to all who teach and study in the University that it ought to be published and properly debated. Why all the furtiveness if there is nothing to hide?

I.5.11 It was remarked that the proposals seemed to have been 'accepted' and there was already something of a *fait accompli*:

The 'Next steps' entries of the Implementation Steering Group's summary confirm that the report's recommendations have been accepted, and that there should be a review of the Computing Service [REDACTED]

I.5.12 It also emerged that libraries and other institutions which would be affected were by no means all supportive of the proposals. A speech on behalf of the Language Centre by [REDACTED] emphasized that the Language Centre and its Management Committee were:

not in favour of becoming a sub-department of the University Library, U.L., for the main reason that there is little academic synergy between these two organizations and neither has much to gain by association with the other. The U.L. is not fundamentally in charge of developing, writing and commissioning academic materials but of hosting them.

The same speech quoted from:

the response of the Faculty of Modern and Medieval Languages on 6 October 2008.⁵

The Faculty shares the view of the Director of the Language Centre that no genuinely convincing case has been made for bringing the Language Centre, with its extensive teaching role, under the wing of the U.L.

The same broad 'consensus against' by those actually consulted, and the way it had been met by an obdurate determination to proceed with the proposals regardless, was pointed to by [REDACTED]

The 'Report of the ad hoc Faculty Library Committee' makes sad reading. Its authors claim to have written it up after a review of informed opinion in the University on the future of library services for senior and junior members. When actually reminded that a large number of un-consulted Faculties and Faculty members shared serious doubts about its broad conclusions, the Committee then held an 'open meeting', to which it invited librarians of concerned Faculties. It next heard their views, the majority of them dubious or negative, and then it did nothing but say that it had heard their views. Its original conclusions stood, as if nothing had happened, as if the entire process of critical reflection on an issue vital for the next generation of our students and teachers had had zero impact on their conclusions. No reasons for the continuation of this stance were given, and one was led to conclude that the Committee had reasons it either could not or would not air even at an 'open meeting'.

[SEE TOO DOCUMENT 8 SUBMISSION FROM INSTITUTE OF
CRIMINOLOGY DEPLORING LACK OF CONSULTATION]

I.6.1 A second question is whether 'appropriate consultation' needs to be with the Regent House. It is submitted that that is a reasonable expectation, indeed ultimately a

requirement, since the Regent House is the legislative body of the University, must ultimately grace any change to the Librarian Statute and could veto any Statute or Ordinance created by the General Board.

1.7.1 A third question is whether the General Board can have authority to proceed with the implementation of proposals without consultation and without change of Statute or Ordinance. There is evidence that it is doing so.

1.7.2 The General Board's Annual Report, published in the *Reporter* of November 30, 2009 states at (12) that 'an Implementation Steering Group' has been set up 'to progress the implementation' of the proposals 'and that as a result, the strategic and logistical challenges involved in working towards a more co-ordinated structure are being identified and addressed by the new University Librarian.'

1.7.3 A consultant (MacDougall Consulting Ltd) was appointed in October 2009 to produce *A draft report on the implementation of the General Board's Review of Teaching and Learning Support Services with specific reference to a framework for the working relationship between the University Library and the Libraries of the Faculty, Department and Other Institutions.*

[SEE <http://www.whatdotheyknow.com/request/24743/response/64804/attach/2/FOI%202009%20149%20Beckles.pdf>]

II It is submitted that the conduct of the K.5 invocation on this matter
[SEE DOCUMENT 9 CORRESPONDENCE] was PROCEDURALLY
UNSATISFACTORY for two reasons:

II.1. The Vice-Chancellor adjudicated on her own conduct as Chairman of the General Board whose actions were being challenged, despite being invited to recuse herself, when the option of appointing a deputy was open to her under the Statutes, and when she knew that a previous Vice-Chancellor whose conduct was challenged had appointed a deputy in the interest of the perception of fairness.

II. 2. 1 The Vice-Chancellor is required by Statute K.5 to 'inquire' and to make a

'declaration' which is also described in the Statute as a 'decision'.

the Vice-Chancellor shall inquire into the matter and shall declare either that there has been no such contravention or that the said act is of no effect or if the Vice-Chancellor is of the opinion that the irregularity has not affected the result, that the validity of the act is not affected by such contravention. If the Vice-Chancellor's decision has not been announced within ten days after receipt of the representation, or if they are dissatisfied with the decision, any fifty members of the Regent House may within one week appeal in writing to the Chancellor, whose decision shall be final.

II.2.3 She did not create a deputy when that option was open to her under the Statutes, and there was precedent for doing so, but without formally delegating the task of 'inquiring', and without herself conducting an inquiry, she adopted the advice given to her unconsidered and unchanged in making her 'decision':

II.2.4 Lord Oliver said in the Advice of the Commissary to the Vice-Chancellor, acting as the Vice-Chancellor's deputy:

For the purposes of this inquiry, however, I must, I think, assume that the ordinary rules governing the exercise of statutory powers apply, that is to say that such power shall be exercised by the person or body in whom it is vested by the Statute bona fide, for the purpose for which it was created and reasonably, after taking into account relevant considerations and excluding such as are irrelevant.

(Cambridge University Reporter, 22 October, 1997.
<http://www.admin.cam.ac.uk/reporter/1997-8/week14/57164.html>)

II.2.5 It is submitted that the Vice-Chancellor should either have both inquired and 'declared' or 'decided' herself or created a deputy to do both and advise her. She should not have disjoined the inquiring and the deciding as she states that she did.

SECTION D: REQUEST FOR REMEDY. STATE WHAT REMEDY IS REQUESTED. UNDER STATUTE D. V. 7 THE COMMISSARY HAS POWER TO REVIEW, AMEND OR QUASH THE DECISION OF A UNIVERSITY AUTHORITY AND TO MAKE SUCH AN ORDER, INCLUDING AND ORDER TO AMEND, QUASH OR REFER BACK A DECISION, AS SEEMS JUSTIFIED.

(1) AN ORDER REQUIRING THE GENERAL BOARD TO PUBLISH A REPORT TO THE UNIVERSITY OF THE 'WHITE PAPER' TYPE FOR WHICH THERE IS AMPLE PRECEDENT IN THE UNIVERSITY, SETTING OUT IN FULL WHAT IS PROPOSED FOR CONSULTATION WITH THE REGENT HOUSE

QUASHING OF THE DECISION OF THE GENERAL BOARD TO PROCEED WITH THE IMPLEMENTATION OF PROPOSALS WHICH REQUIRE CHANGE OF STATUTE AND ORGINANCE AND WHICH WILL CREATE A FAIR ACCOMPLI AND FETTER THE DISCRETION OF THE REGENT HOUSE TO VETO THE PROPOSALS WHEN THE NECESSARY GRACES ARE EVENTUALLY PUT

(2) AN ORDER CLARIFYING THE PROCEDURE TO BE FOLLOWED WHEN A REPRESENTATION IS MADE TO THE VICE-CHANCELLOR UNDER STATUTE K,5 AND THE VICE-CHANCELLOR DOES NOT PERSONALLY INQUIRE BEFORE 'DECLARING' OR 'DECIDING'.

SECTION E: THE COMMISSARY'S PROCEDURE. THE COMMISSARY WILL DIRECT WHETHER THE APPLICATION WILL BE DEALT WITH BY ORAL OR WRITTEN REPRESENTATIONS, OR BOTH. THE MATTER WILL NORMALLY BE DEALT WITH BY WRITTEN REPRESENTATIONS, UNLESS THERE ARE SPECIAL CIRCUMSTANCES. THIS FORM AND THE ACCOMPANYING PAPERS CONSTITUTE THE APPLICANT'S WRITTEN REPRESENTATIONS. PLEASE INDICATE HERE IF YOU REQUEST AN ORAL HEARING, AND GIVE REASONS.

CONTENTS

CHRONOLOGY

1. GENERAL BOARD NOTICE OF REVIEW OF TEACHING AND LEARNING SUPPORT SERVICES
2. LETTER OF 6 AUGUST 2008 SOLICITING COMMENT FROM SELECTED BODIES AND INDIVIDUALS
3. EXTRACTS FROM SPEECHES AT DISCUSSION OF TOPIC OF CONCERN (*The unpublished report from the committee reviewing teaching and learning support services*) 7 JULY 2009. *Reporter*. 15 July 2009.
4. MINUTE OF GENERAL BOARD MEETING 8 JULY, 2009
5. GENERAL BOARD NOTICE IN RESPONSE TO DISCUSSION OF 7 JULY 2009
6. UNPUBLISHED REPORT PUBLISHED AS A CONSEQUENCE OF ITS DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT AND ITS PUBLICATION ON AN INTERNET SITE
7. SPEECH ON ANNUAL REPORT OF THE GENERAL BOARD 2008-99 ON CONSULTANT'S REPORT MADE WITHOUT REFERENCE TO STATUTES AND ORDINANCES
- 8 SUBMISSION FROM INSTITUTE OF CRIMINOLOGY DEPLORING LACK OF CONSULTATION π
9. CORRESPONDENCE RELATING TO K,5 INVOCATION

Full chronology and analysis may be read at: http://www-admin.cam.ac.uk/intrnl/TLSS/analysis_of_responses_to_report.htm

In October 2007, the General Board set up a committee to review teaching and learning support services in the University, and a Notice to this effect was issued in the Reporter of 20 February 2008, see:

http://www.admin.cam.ac.uk/reporter/2007-08/weekly/6103_10.html

In July 2008, this committee produced a report, which has yet to be officially published, but which was been obtained under the Freedom of Information Act (2000). You can see the Freedom of Information request used to obtain the report, and the report itself, at:

http://www.whatdotheyknow.com/request/review_of_teaching_and_learning

The review committee did not actively seek, or receive, any input from Departmental, Faculty or College librarians in the course of producing their report.

In the first paragraph of Section 1 (page 2) and the second paragraph of Section 4.1 (page 9) of this report, it explains that the recommendations of an earlier report approved by the Education Committee on 30 May 2007 were put on hold pending the outcome of this review. People may therefore like to compare the recommendations of this report with the recommendations of that earlier report (which has been supplied by the University (as report/paper E3918) in response to a Freedom of Information request [here](#)).

People may also find it interesting to compare this report with the published [academic strategy for Oxford University Library Services](#).

The recommendations of the report were **approved** by the General Board at their meeting of 9th July 2008 ([Minute 08.07.B1](#)).

This report is now the subject of a [Discussion of a topic of concern to the University](#) scheduled for Tuesday 7th July 2009. **Please** encourage anyone who is interested in the governance of the University, library provision, the future of the Language Centre or the Centre for Applied Research in

Educational Technologies (CARET), or the role of the University Computing Service (UCS), to attend this Discussion. Note that the people who requested this Discussion do not include anyone from the General Board, the review committee, or the implementation steering group set up by the General Board "to consider comments received on the Report of the Review Committee for Teaching and Learning Support Services and to make proposals for the implementation of the Report's recommendations" (quotation from GB Minute 09.01.B3).

Timeline

It may help to keep in mind a timeline of what happened when, as follows:

- 10 October 2007:* The General Board agree to set up a committee to review teaching at 07.10.B1).
- 20 February 2008:* A Notice is published in the Reporter announcing the review of teaching and Learning Support Services.
- 26 June 2008:* Long Vacation 2008 begins.
- 9 July 2008:* The General Board receive the report of the review committee and a 08.07.B1).
- 6 August 2008:* Comments on the report are invited from certain bodies within the University. These comments. (See Paper ISG2.)
- 1 October 2008:* The 2008-09 academic year begins.
- 8 October 2008:* A Notice is published in the Reporter inviting applications for the of given in the further information supplied to prospective applicants is ensure the smooth and transparent implementation of the recommendations of the Review Committee for Teaching and Learning Support Services". (The author of this document regrets that he does not know where and would appreciate it if anyone who does would let him know. As the report will not yet have been received by this point, and indeed, from the report's existence, it seems plausible that this is evidence of a deliberate attempt to ignore whatever the views of the wider University turn out to be.
- 7 November 2008:* Deadline for comments on the report.

- 12 November 2008: Annual Report of the General Board to the Council for the academic announce the existence of the review committee's report and summary comments received about the review committee's report. many provisions run to over 66 pages. it seems unlikely that these comments can have course of preparing their Annual Report.
- 15 December 2008: The implementation steering group set up by the General Board to, a [r]eport". meets for the *first* time. This seems to be the first occasion officially considered by anyone. The minutes of this meeting are available Information request here.
- 7 January 2009: The implementation steering group provides the General Board with 15 December 2008 to give preliminary consideration to the response (GB Minute 09.01.B3). Despite the scheduled Discussion for 20 January the Council for the academical year 2007-08, which prominently mentions neither the review committee's report nor the responses to the review
- 20 January 2009: The Annual Report of the General Board to the Council for the academic (Note that most members of the Regent House will not have seen the comments on that report, but only the summary of its principal recommendations Report.)
- 18 March 2009: A Notice is published in the Reporter giving the Council's response to 2009.
- 25 March 2009: The University responds to a Freedom of Information request and still does not *officially* publish the report.
- 13 June 2009: The University responds to a Freedom of Information request and presents the first opportunity that most members of the University course, that they are aware of this Freedom of Information request).
- 15 June 2009: A Notice is published in the Reporter announcing a Discussion of a unpublished report. The University still does not officially publish the

1. GENERAL BOARD NOTICE OF REVIEW OF TEACHING AND LEARNING SUPPORT SERVICES

Reported: 20 February, 2008. http://www.admin.cam.ac.uk/reporter/2007-08/feb25/14107_teaching

NOTICES BY THE GENERAL BOARD

General Board review of teaching and learning support services: Notice

The General Board have set up a committee to review teaching and learning support services in the University. The scope of the review principally concerns activities currently supported by the University Library, the University Computing Service, the Language Centre, and the Centre for Applied Research in Educational Technologies, as well as the co-ordination of pedagogic support.

The Terms of Reference are to:

Review the University's provision for the support of teaching and learning, and to make recommendations for the future having particular regard to:

the provision of high quality, cost-effective services to students and staff of the University
ensuring a leading and innovative role in the use of e media in support of learning at both the undergraduate and graduate level
the physical location of these activities and possible infrastructural requirements
resource requirements and opportunities for fund-raising
future arrangements for the organizational structure and governance of these activities
the development of the University library system.

The membership of the Committee is:

Professor Andy Cliff (Chairman) Professor Tony Badger Dr Nick Bampos Mr Peter Coulthard Mr Simon Lebus Professor Melveena McKendrick Professor John Morrill Ms Jan Wilkinson (University of Manchester) Professor Steve Young Graham Allen (Secretary) Julian Evans (Assistant Secretary)

Members of the University are invited to send any comments on the review, before 31 March 2008, to the Assistant Secretary, Julian Evans, at jge24@admin.cam.ac.uk, or to him at the Academic Division, The Old Schools, Cambridge, CB2 1TT.

memo

To Librarian
 Director of the University Computing Centre,
 Language Centre, CARET
 Secretaries of Councils of Schools
 Mrs A. Benson (Senior Tutors' Committee and
 G.B. Education Committee)
 Ms D. Jones (G.B. Committee on Libraries,
 Secretary Information Strategy & Services
 Syndicate)



UNIVERSITY OF
 CAMBRIDGE

Academic Division

ACD.0808.0033

From G.P. Allen

Date 6 August 2008

Subject General Board Review of Teaching and
 Learning Support Services

Dear Colleague,

In the Michaelmas Term 2007 the General Board appointed a Committee to undertake a review of Teaching and Learning Support Services in the University (*Reporter* 2007-08 p.526).

I enclose a copy of the Review Committee's Report which was received by the Board at their last meeting. The Board have agreed to approve, in principle, the recommendations of the Report, and to give further consideration to the detailed implementation during the Michaelmas Term. The Board would be glad to receive any comments on the Report from the body of which you are Secretary by 7 November 2008. If it would be helpful Professor Cliff, as Chair of the Review Committee and I would be willing to attend meetings at which the Report is discussed.

Yours sincerely,

G.P. Allen

Encl.

The Old School
 Trinity Lane
 Cambridge
 CB2 1TT

E-mail: gpa14@cam.ac.uk


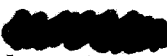
3. EXTRACTS FROM SPEECHES AT DISCUSSION OF TOPIC OF CONCERN (*The unpublished report from the committee reviewing teaching and learning support services*) 7 JULY 2009

EMPHASIS ADDED IN BOLD

Reporter 2008-9. 15 July, 2009, report of Discussion on a Topic of Concern held on 7 July 2009. <http://www.admin.cam.ac.uk/reporter/2008-09/weekly/015730.html>.

REPORT OF DISCUSSION
Tuesday, 7 July 2009

Topic of concern: *The unpublished report from the committee reviewing teaching and learning support services* (Reporter, 2007-08, p. 526).


Mr Deputy Vice-Chancellor, my name is  I am a member of the Regent House. I organized this topic of concern. I am also employed within the University Computing Service.

I started this process having realized that there had been a failure to operate under a sound open governance process. This was highlighted by the realization that the only way to find out what had happened was through a number of Freedom of Information requests.

I am sure that other speakers will raise many issues. Many of these issues will be concerned with specifics of the recommendations in the report. I am not concerned with these specifics. They may be right, they may be wrong. **My concern is that there is no way for a normal member of the Regent House to be able to weigh up the evidence and come to a conclusion. The University is intended to be managed by the members of the Regent House, and if we fail to have an open process then this intent will clearly fail.**

The General Board initiated a review into teaching and learning support services.¹ The review did not consult widely enough as is apparent from the responses to the General Board when the unpublished report was distributed to even a relatively modest set of interested parties.²

.....
The observation that there were significant failings in the process seems to be well supported by the documented evidence.³

Indeed, given the responses indicated that affected parties were disenfranchized, would it not make sense for the General Board to ask the review panel to restart

the consultation process, before publishing an amended report?

<http://www.whatdoyouknow.com/request/11760/response/37045/attach/3/F01-2mcr-561-201-1-20/S012.pdf>

² Comments on the report were invited from: Councils of Schools, University Librarian, Director of the University Computing Service, Director of the Language Centre, Director of CARET, Senior Tutors' Committee, Education Committee, Committee on Libraries, ISSS. See

<http://www.whatdoyouknow.com/request/11760/response/37045/attach/3/F01-2mcr-561-201-1-20/S012.pdf>

³ A timeline to put most of the facts into context can be found at: http://www-uxsup.csx.cam.ac.uk/~mbb10/TLSS/analysis_of_responses_to_report.html

[REDACTED]

....The 'Next steps' entries of the Implementation Steering Group's summary confirm that the report's recommendations have been accepted, and that there should be a review of the Computing Service.

[REDACTED]

Mr Deputy Vice-Chancellor, I want to take this opportunity to outline the Language Centre's position on the General Board review and its recommendation vis-à-vis the Language Centre. This paper represents the view of my Management Committee, and has the full support of the Chair of my Management Committee.

The Language Centre would like to reiterate that it is *not* in favour of becoming a sub-department of the University Library (UL) for the main reason that there is little academic synergy between these two organizations, and neither has much to gain by association with the other. The UL is not fundamentally in charge of *developing* (i.e. writing and commissioning) academic materials but of *hosting* them.

.....

From the response of the Faculty of Modern and Medieval Languages on 6 October 2008:⁵

The Faculty shares the view of the Director of the Language Centre that no genuinely convincing case has been made for bringing the Language Centre, with its extensive teaching role, under the wing of the UL.

Ladies and gentlemen, Deputy Vice-Chancellor, I would like to conclude by

reiterating that we are not in support of the General Board recommendation to reassign the Language Centre within the UL for all the reasons outlined above. However, we support a Directorate of Teaching and Learning to ensure optimal cooperation amongst all University pedagogical providers.

¹

[http://www.umt.doherty.com/request/reports_of_the_implementation_group/conting-30045_under_FOI-2009-71\(Beckles\).pdf](http://www.umt.doherty.com/request/reports_of_the_implementation_group/conting-30045_under_FOI-2009-71(Beckles).pdf)

² *ibid.*

³ *ibid.*

⁴ *ibid.*

⁵ *ibid.*

[REDACTED]

But now we move forward to the *Reporter* of 2 December 2008 and the Annual Report of the General Board.² Section 3.1 says that the Review Committee was set up in October 2007, but I can forgive them some delays as they sort out membership etc., and quotes its five principal recommendations. This section 3.1 dominates the teaching, learning, and assessment element of the Annual Report. It is no small deal.

But where was the report? It had not been published, and perhaps I should have raised these concerns at the Discussion. I apologize for my oversight.

The section of the Annual Report closes with the sentence that

The Board will consider comments on the proposals and make substantive recommendations, where the University's approval is required, in the course of 2008-09.³

But where was the report? Presumably comments were only welcome from the people the report was sent to.

Also note that the Board gave notice that it would seek the University's approval where it was required on individual actions. Each would be discussed in

isolation. The Regent House was denied the right to see the greater picture that linked these actions together.

Where was the report?



I do not understand the General Board's decision not to publish. It has inspired only suspicion. Nobody would have blinked if it had been published in the *Reporter*. A few extra comments would have been made in Discussion, and the Board would have proceeded on with the full set of comments from the Regent House as well as its favoured committees. Such a Discussion could be referred to in any future Graces deriving from the report. It would only have brought benefits. So why didn't they publish it?

Publishing the reports of review committees is the default action. It must have been a conscious decision of the General Board not to publish. Will they please tell us why?

¹ <http://www.admin.cam.ac.uk/reporter/2007-08/weekly/6103/10.html>

² <http://www.admin.cam.ac.uk/reporter/current/weekly/6130/2.html>

³ *ibid.*


Mr Deputy Vice-Chancellor, my name is  of the Faculty of Asian and Middle Eastern Studies. I also serve as Honorary Keeper of Chinese books at the University Library. The 'Report of the ad hoc Faculty Library Committee' makes sad reading. Its authors claim to have written it up after a review of informed opinion in the University on the future of library services for senior and junior members. When actually reminded that a large number of unconsulted Faculties and Faculty members shared serious doubts about its broad conclusions, the Committee then held an 'open meeting', to which it invited librarians of concerned Faculties. It next heard their views, the majority of them dubious or negative, and then it did nothing but say that it had heard their views. Its original conclusions stood, as if nothing had happened, as if the entire process of critical reflection on an issue vital for the next generation of our students and teachers had had zero impact on their conclusions. No reasons for the continuation of this stance were given, and one was led to conclude that the Committee had reasons it either could not or would not air even at an 'open meeting'.

[REDACTED]

Mr Deputy Vice-Chancellor, I share the view of those who have called for this Discussion that the report arising from the review of teaching and learning support services in the University carried out in 2008 is a matter of such importance to all who teach and study in the University that it ought to be published and properly debated. Why all the furtiveness if there is nothing to hide? Why engage in a consultation process that was so transparently designed to restrict the time available for comment and consideration by sending the review document to Secretaries of Schools in August? And why state in the covering letter that the recommendations had already been 'approved in principle' by the General Board, before any responses from Faculties had actually been received? These procedural peculiarities can only arouse disquiet, as does the fact that the Chair of the Review Committee is now acting as Chair of the Library Syndicate.

But there is more to this than procedural oddities, disquieting enough though they may be. The report itself, which I first saw as a member of the Library Syndicate, is marred by the failure of the Review Committee to come to grips with the various ways in which teaching and learning support services are provided across the University, or with the needs which Faculty libraries strive to meet, and it is precisely for this reason that it has come in for considerable criticism, not least from the Library Syndicate itself. The General Board have described the received responses from the Schools as offering a 'broad level of support', but this interpretation of the responses does not reflect the clear discomfort expressed.

[REDACTED]

Mr Deputy Vice-Chancellor, in July, both attendance and readership of the published account may be expected to be down in comparison with normal term-time impact. But I hope the speeches made today will be read and carefully pondered. This Discussion implicitly raises not one but two topics of proper concern for the Regent House, both of supreme importance. The first is some apparent slippage in the operation of the decision-making process in the University, which has led to the 'report' in question remaining unpublished. The second is the future of those 'learning resources' which used to be known as libraries in Cambridge, and their relationship with other 'resources', particularly the electronic.

....

In areas of the University's business where the Regent House retains the right to approve changes, it has an unfortunate habit of waking up when least expected and growling a 'no' before returning to its light slumber. The astute and experienced administrator therefore busily puts things through a series of committees and out to 'consultation' in the hope that no-one will notice the full implications of what is

intended and object. This is easily achieved. It is usually enough to be able to point to work in hand, dates of meetings. If anyone asks what is going on

.....

Meanwhile, the post of University Librarian was advertised with a closing date of 7 November 2008, in terms whose careful neutrality looks more 'loaded' in the context of the proposals we now glimpse, namely that the Librarian should take over the duty to supervise a vastly enlarged empire. I quote from the advertisement:

Candidates should have an outstanding academic record and substantial experience of strategic leadership and institutional management, at a senior level, within a major academic library or comparable organization. They should also have a detailed understanding of current developments in libraries, information services, and the provision of library services to an academic community.⁴

Further details of the appointment sent to candidates on request strongly suggest that it was being taken for granted that the proposals would be implemented, for the appointee was to 'work with the appropriate University bodies to ensure the smooth and transparent implementation of the recommendations of the 2008 Review of Teaching and Learning Support Services' ('Transparent!', I hear you choke).

The appointment was duly made and announced in January 2009:

.....

The promise in the General Board's Annual Report was that 'The Board will consider comments on the proposals and make substantive recommendations, where the University's approval is required, in the course of 2008-09';⁶ we are now at the end of the academical year, and nothing has appeared. Yet the thing appears to have become a fait accompli, with the new Librarian all set for the new duties. I have sent her a draft of this speech in case she wants an opportunity to comment in this Discussion.

The General Board's powers to make Ordinances under Statute C can make such a behind-the-scenes proceeding as I have outlined here especially problematic. There has been an apparent assumption throughout this process that the proposed enormous changes broadly lie within the General Board's remit, and it need not bother to consult the Regent House unless there are recommendations which expressly require its consent. No-one has yet identified these in any document I have seen.

⁴ http://www.admin.cam.ac.uk/reporter/2007-08/weekly/6103_10.html

² (i) developing the role of the University Librarian as Director of Library Services, responsible for all Library provision in the University; (ii) accelerating the process of centralizing journal subscriptions, to become the responsibility of the University Librarian, working in consultation with the Journals Coordination Steering Committee; (iii) bringing the management arrangements for CARET and the Language Centre within the remit of the Librarian, and the abolition of the separate formally constituted management Committees; (iv) the formation of a new body, 'the Teaching and Learning Services Steering Group (TLSSG)', responsible for pedagogic support, reporting to the Education Committee (for policy) and the Information Strategy and Services Syndicate (in relation to IT strategy); and (v) the role of the University Computing Service in pedagogy to be the subject of future review.

³ http://www.whatdotheyknow.com/request/review_of_teaching_and_learning

⁴ <http://www.admin.cam.ac.uk/reporter/2008-09/weekly/6122/6.html>

⁵ <http://www.admin.cam.ac.uk/news/dp/2009012601>

⁶ <http://www.admin.cam.ac.uk/reporter/2008-09/weekly/6130/2.html>

⁷ Academic Strategy for Oxford University Library Services:
<http://www.ox.ac.uk/gazette/2008-9/weekly/260609/notc.htm#5Ref>

⁸

http://www.whatdotheyknow.com/request/reports_of_the_implementation_group_incoming-30945

..... However, having carefully read both the report² and the comments on the report made available by the University in response to my Freedom of Information request,³ it seems to me that the report's recommendations are not without significant problems and should be reconsidered in light of those comments. My analysis⁴ of the 31 responses to the report from various committees, etc. is that only 13 per cent seem to be in favour of the proposals regarding centralizing library provision, with 68 per cent having significant reservations.

¹ As should be apparent from the account of this process (particularly the timeline) that I've compiled at: http://www-uxsup.csx.cam.ac.uk/~mbb10/TLSS_analysis_of_responses_to_report.html

² Provided by the University in response to my Freedom of Information request here:
<http://www.wharfedale.ac.uk/learningandteaching/>

<http://www.wharfedale.ac.uk/learningandteaching/reports/implementation-grb/2008-2009-5>

³ http://www.unipress.com/uk/wharfedale/analysis_of_responses_to_report/analysis

[REDACTED]

Mr Deputy Vice-Chancellor. I have been the [REDACTED]
[REDACTED] for nearly thirteen years.

... I would like to know why the General Board have approved a report on the review of teaching and learning support services, but not published it. They invited submissions to the report, but have not allowed Regent House to see the conclusion. As the recommendations include moving institutions around (e.g. CARET and the Language Centre into the University Library), and adding significantly to the role of the Library, I would like to understand: how can implementation be easier if the rest of the University doesn't know what is happening?

[REDACTED]

Please may we see a revised report - it needs a great deal of amendment in the light of comments particularly from librarians, and no, less, Mr Beckles's incisive comments today - presented to the University as soon as possible, with a proper consultation in the revision process, proper arguments in support of proposed changes, a Discussion, and proper approval by vote, before these half-baked proposals are any further implemented.

[REDACTED]

The Implementation Steering Group has met twice in full during 2008-09. The Steering Group has so far considered the responses to the Michaelmas 2008 consultation, and its members have undertaken further discussions with the Heads of those institutions most closely involved, namely the University Library, University Computing Service, the Language Centre, and CARET. Thus those likely to be affected by implementation of the review are being fully involved in the development of the implementation phase which is being undertaken in a measured and collaborative manner. A progress report will be made to the General Board on 8 July 2009. The General Board indicated in their Annual Report for 2007-08 that they would where necessary seek the University's approval for the implementation of

substantive changes arising from the implementation of the report: an undertaking that was repeated in the Council's response to the remarks made at the Discussion of the Annual Report of the Council and General Board (*Reporter*, p. 59). This remains the Board's intention.

4. MINUTE OF GENERAL BOARD MEETING 8 JULY, 2009

B3. Review of Learning and Teaching Support Services Minutes 07.10.B1, 08.07.B1 and 08.10.B2

The Board were reminded that, at their meeting on 7 January 2009, they had received a first report from the Implementation Steering Group and had noted that **the implementation of recommendations** in certain areas would await the appointment of the next University Librarian.

They received an interim report together with the Minutes of a meeting of the Implementation Steering Group held on 26 May 2009 and a work plan showing progress and next steps (Paper No. 09.B.18).

Professor Rallison drew attention to progress being made with some of the more straightforward issues arising from the review now that the new University Librarian was in post. The Review had been the subject of a Discussion on a topic of concern on 7 July at which various concerns had been expressed about the report not having been published and about the implications for the Language Centre, CARET and the University Computing Service. **The Board noted that they would in due course be requested to respond to the remarks.**

In the course of discussion the following were amongst the points made:

- The University was some way behind its principal competitors in the use of e-media in Teaching and Learning.
 - **Once the managerial arrangements for Teaching and Learning Support Services had been put in place**, it would be important to ensure that e-media was properly integrated with teaching activities.
 - Professor Sanders noted the potential financial penalty to the University when Colleges cancelled subscriptions to printed journals.
- The Board agreed to accept the interim report.

5. GENERAL BOARD NOTICE IN RESPONSE TO DISCUSSION OF 7 JULY 2009

Reporter, 26 November, 2009-10.

http://www.admin.cam.ac.uk/reporter/2009-10/weekly_of68_section1.shtml#heading2-7

Discussion of a Topic of Concern on 7 July 2009: Notice 9 November 2009

The Council has received the remarks made on 7 July 2009 at the Discussion of the following topic of concern: the unpublished report from the committee reviewing teaching and learning support services (*Reporter*, 2008–09 p. 988); and has referred them to the General Board who have commented as follows.

The Board are grateful for the remarks of those who spoke in the Discussion. Those remarks which relate to the substance of the recommendations of the review committee will be considered, together with the responses from authorities and other bodies, by the Implementation Steering Group. With regard to the procedure followed by the Board, they do not accept the assertion of a number of speakers that the report should have been published immediately, nor do they agree with the proposition that all such reports should be routinely published. The Board, each year, establish numerous review groups, and other bodies, to undertake investigation of institutions and activities under the Board's supervision. The Board's normal practice after considering the reports of such bodies is to seek comments from the Councils of the Schools and other bodies concerned including the institution(s) under review; in the light of the comments received, and any subsequent modification of the proposals, an implementation plan is drawn up and, where necessary, the approval of the University sought for legislative or structural changes. To publish such reports routinely would, in the Board's view, detract from the effectiveness of the review process.

As stated in Professor Cliff's remarks in the Discussion, once they have come to a considered view on the review committee's report and on the substantive changes needed to implement the report's proposals, the Board will report, as necessary, to the University.

A number of speakers drew attention to the publication of the report on an internet site, following a request under the Freedom of Information Act. The Board have agreed that the report should be published for the information of the University (see p. 260).

The Council and the Board have agreed that the Registry should consider the general policy on publishing such reports and advise the central bodies appropriately.

6. UNPUBLISHED REPORT PUBLISHED AS A CONSEQUENCE OF ITS
DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT AND ITS
PUBLICATION ON AN INTERNET SITE (extracts)

Reporter, 26 November 2009, <http://www.admin.cam.ac.uk/reporter/2009-10/weekly/6168/section4.shtml#heading2-12>

Review of Teaching and Learning Support Services Report July 2008

Contents

Introduction

Process

Overview of institutions involved

The University Library

Background

Resources

Quality of services

Support for teaching and learning

The University Computing Service

The Language Centre

Centre for Applied Research in Educational Technologies

Other institutions

Changing environment

Background

External factors

Internal developments

Future direction

Teaching and learning support online

Summary: the need and opportunity to reconfigure

Summary of recommendations

Proposed structure and governance

Appendix: list of papers received by the Review Committee.

Introduction

....

In the course of 2006–07 an Advisory Committee was commissioned by the Vice-Chancellor to advise her on the future development of the University Library (UL), in the context of the University's development programme. The Committee's principal strategic recommendations were the need for greater integration of the University's libraries and that a rapid expansion of the use of e-content should become a key objective for the UL. While not a prerequisite for future fund-raising, the Advisory Committee were of the view that opportunities for fund-raising would be enhanced if these recommendations were adopted.

At their meeting on 10 October 2007, the General Board set up a committee to review teaching and learning support services in the University. The scope of the review principally concerned activities currently supported by the UL, the UCS, the Language Centre, and CARET, as well as the coordination of pedagogic support.

The Terms of Reference were to review the University's provision for the support of teaching and learning, and to make recommendations for the future having particular regard to:

- the provision of high quality, cost-effective pedagogic support services to students and staff of the University
- ensuring a leading and innovative role in the use of e-media in support of learning at both the undergraduate and graduate level
- the physical location of these activities and possible infrastructural requirements
- resource requirements and opportunities for fund-raising
- future arrangements for the organisational structure and governance of these activities
- the development of the University library system.

.....Summary of Recommendations

The Committee recommends:

Proposed structure and governance

The Committee recommends that an effective strategy for teaching and learning support should include the following elements:

There should be a rolling development programme for pedagogic support

It doesn't have to be better located within its own collections. The General Board report's claim that "the UL has traditionally supported the research needs of postgraduate students and academics whilst the Faculty and Departmental libraries have primarily supported undergraduate teaching" suggests that just such an outcome would be a natural step in the process of centralisation that this report imagines.

In fact, the General Board's claim about who the UL supports is demonstrably wrong. In a recent exercise to upgrade our short catalogue records (pre-1992 stock) by comparing the records to UL stock, the UL held only 26.2% of our stock (14,725 records compared, 3,859 matched). To check more recent stock provision, we compared our accessions for the

latest full month, October 2009. Only 9 of 53 titles were held in the UL (16.9%), of which only 8 were borrowable (15%). To account for any cataloguing backlog in the UL, we also compared our accessions for January 2009 against UL holdings. Of 78 books, the UL held only 16 (20.5%) of which 15 were borrowable (19.2%). (Catalogue searches 19 November 2009)

We also compared the same two months' accessions against all other departmental, faculty and college libraries. None of our accessions for October 2009 were held in these other libraries. The comparison of January's accessions showed that 11 titles (14.1%) were held by other libraries, in 23 copies. However, only 7 of these copies were generally borrowable. (Catalogue searches 19 November 2009)

It is extremely important that the Radzinowicz Library stays as a discrete collection. The importance and usefulness of the collection not just within the University but in the world wide area of criminal justice depend on the collection continuing to develop as it has over the last 50 years. Transfer of materials to other libraries would be a disaster for our collection and damaging to the reputation of the Institute (and, by extension, the University) in the eyes of the national and international criminal justice research community. Sir Leon Radzinowicz worked hard to provide the Institute with a good historic collection of books as a background to the main collection and during the 1970's acquired a great deal of European material covering the past 200 years. The collection needs to remain intact.

Recommendation 12 suggests co-ordinated opening hours. Why do we need to be affiliated to achieve this? In what way would these hours be co-ordinated? Ours already take account of the use of the library by students from nearby colleges and departments, although they are often using only our space rather than the library stock. We have monitored library use over the opening hours for years and our opening hours match that demand, despite the tightness of staffing budgets.

As demand changes, we would always seek to review opening hours and to establish them on a more substantial basis than that of simply being co-ordinated with other libraries in the university. Whilst it may be desirable to create a perception of a unified service, in the current climate it seems more realistic and responsible to target staffing costs at empirically proven demand and to keep this as a higher priority.

Recommendation 13 talks about realignment of 'front-of-house' and 'back-of-house' services. This is not how a department library of our size works. The Librarian and Senior Assistant Librarian combine both front- and back-of-house functions, working closely with all readers. The success of this library, derived largely from its adaptability and responsiveness, relies on the relationships formed in this way. This is one of the critical success factors at work in this library and the review has signally failed to recognise it. Nor do we need a faster 'turn around time' for cataloguing. We can already get new books classified, catalogued and onto the shelves within an hour. In contrast, the University

Library almost always takes more than a month to catalogue the same books, often more than two months.

5.5 *Finance and related transfers*

Recommendation 16 regarding funds granted to the faculties being transferred to the Director of Library Services including Trust funds. We doubt if the managers of the Wakefield Fund would allow transfer of money given for the Library. The fund is administered closely by members of the Wakefield family whose primary continuing relationship is with the Institute of Criminology. The perception that the library is no longer part of the Institute's structure may end the likelihood of further donations from this source. The Wakefield family have funded a very large amount of the current library stock and might feel understandably aggrieved if that stock were taken out of the stewardship of the Institute. It could also make it much more difficult to raise donations from other sources whose principle identification is with the Institute and who might seek to support Institute budgets directly.

5.6 *Publicity, promotion and logo*

The need for 'clearer and transparent information about the availability and accessibility of collection and service levels across libraries' is not apparent. All libraries already publicise the service readers can expect on their websites and in readily available literature.

5.8 *Timescale*

'The student is not interested in who offers the service'. **This is not true, as would have been quickly revealed if any students had been consulted in the course of the review.**

Readers appreciate having a specialist subject library in their own department for many reasons beyond the simple availability of study materials. In regular consultations they describe how the distinctive character of the library, the timeliness and responsiveness, and the ability to individualise service are all crucial parts of their support in study and research. The idea of a wider service rather than a building-centric approach takes no account of what actually happens.

We are lucky in this University that we have libraries in Departments and Faculties, but readers have a good understanding of services in libraries other than their own. Does this mean we are looking to create an HSS library? Surely this will be expensive and wasteful considering we already have newly purpose-built libraries in many of our departments.

7. SPEECH ON ANNUAL REPORT OF THE GENERAL BOARD 2008-9 ON
CONSULTANT'S REPORT MADE WITHOUT REFERENCE TO STATUTES
AND ORDINANCES

Reporter, 19 January 2010

*The Annual Report of the General Board to the Council for the academical year
2008-09*, dated 19 November 2009 (*Reporter*, p. 301).

When is it 'necessary' to report to the University? Surely not only when a Grace must be put? Some matters are of such huge importance that they ought to be considered in the proper constitutional manner with the Regent House, not through behind-the-scenes 'consultations' with a few. This enormous project, whose details are being dragged out of the General Board only by assiduous use of the Freedom of Information Act, has vast implications. Let me sketch some of them.

A consultant (MacDougall Consulting Ltd) was commissioned by the Implementation Steering Group in October 2009 to put together 'A draft report on the implementation of the General Board's Review of Teaching and Learning Support Services with specific reference to a framework for the working relationship between the University Library and the Libraries of the Faculty, Department and Other Institutions.'¹ Will the Council please give the cost of this consultant report in its reply to avoid the need for an FOI request to ascertain how much was wasted on commissioning it? Just because the Government has got into the habit of hiring expensive consultants, that is no reason for universities to do the same.

The consultant's brief was to explore the practicalities of the creation of 'a federal library service for the University of Cambridge'. He speaks of 'the requirements' of the General Board's Review, 'in which, amongst other things, *de facto* Director of Library Services and the University Library should become responsible for the provision and dissemination of materials for teaching and learning across the University'.

The study makes some twenty-five recommendations to help the University to move towards the fulfilment of 'the General Board's wish that: '*de facto* Director of Library Services and the UL should become responsible for the provision and dissemination of materials for teaching and learning across the University'. This may be the General Board's wish but we do not yet know whether it will prove to be the wish of the Regent House, and of course the consultant was apparently unaware of the existence of the University's governing body and its powers.

No-one seems to have mentioned the Librarian Statute or the Statutory position of the Library Syndicate to this poor consultant or warned him that the Regent House would

have to grace these changes. He conjures innocently with the idea that 'the Director ... would report to Library Syndicate (or what ever term is decreed for the new body recommended by General Board); the necessary current funding including Trust, Donations and internal trading accounts, be transferred to the Director of Library Services and that the University authorities consider the new affiliate relationship in the Planning Round for 2009.'

Footnotes

1 <http://www.whatdotheyknow.com/request/24743/response/64804/attach/2/FOI%202009%20149%20Beckles.pdf>

COMPLAINTS OF INADEQUATE CONSULTATION EMPHASIS ADDED IN BOLD, GRE

Institute of Criminology response to the Draft Report on the Implementation of the General Board's Review of Teaching and Learning Support Services.

When we were asked to join the steering group looking at ways in which Cambridge University Libraries could work more co-operatively, we assumed different options for collaboration would be explored. This seemed especially necessary because our library is a very different size from the other two, is principally a research library, and because our department has no undergraduates. The library practices that best support the work of the Institute are completely different to those of Economics or English. 'One size does not fit all' seemed to be the most important promise. Unfortunately this has not been delivered in the report, which simply looks at ways in which we can all become dependent or affiliated libraries of the University Library. **We are worried that none of the academic staff or students of the three departments/faculties or, indeed, anywhere in the university have been consulted.**

Reorganisation of Cambridge libraries is a big task. Before we decide how we should proceed we need to look at what aspects of our service need co-ordinating and what level of co-operation we expect, beginning with what is already in place. We have to decide what outcomes are really needed before we make any more libraries dependent on the University Library. **But any change would affect every part of the University in some way and should therefore only be effected after proper consultation with everyone involved. This may seem time consuming, but would ensure that energy is not wasted in creating a huge centralised service that would make efficient working impossible. Or, more wasteful still, having to undo badly-thought-out changes once damage has been done to the scholarship of the university.**

In our library, we are proud of our positive attitude to change and our record of progress in all our services. These have developed in response to the needs of all our library users, from the most technically demanding of our researchers to other departments' undergrads just looking for a comfortable place to work. Our library practices and reporting procedures work well because they are local, responsive and aimed at excellence. We oppose the suggested changes in the review because, taking no account of the actual work of this department, they seek to impose working practices and reporting procedures developed elsewhere for someone else's benefit. We can see no circumstances in which this would enhance the work of the library or the scholarship of the Institute. Our Chairman of the Library Committee at the Institute of Criminology, having read the draft report, is strongly against our Library becoming an 'Affiliate Library'.

Our responses to the recommendations:

1.3 *Terms of reference*

The terms of reference make clear that the absorption of the Department and Faculty libraries into the UL structure is already decided by the General Board's review. **Neither library service users nor library service providers were consulted in preparation for that review and its recommendations are widely thought to be extremely damaging to the work and integrity of the academic departments.**

We would expect a consultation of this nature to describe different models of co-operation with the UL, bearing in mind the degree of difference between the three libraries. This review is clearly a cosmetic attempt to provide *post facto* legitimacy to the General Board's review and, as such, proceeds from an unsound position.

2 Context

The first paragraph of the context makes it clear that the UL is by far the most expensive part of the Cambridge libraries system. Any strategy aimed at saving money and reducing duplication, as this one clearly is, should logically start by reviewing the UL provision and asking how much of it is needed and whether any of those services could be better provided closer to service users, i.e. in Department and Faculty libraries.

Paragraph 2 demonstrates that the assumptions underlying the report – that the UL should be the default provider of all library services and that this should happen away from departments – needs to be questioned. A review that sought to protect excellence in library provision should be asking where best practice was already being enacted, which libraries fit together, which services fit together, which user groups fit together, etc. This review assumes that the only relevant questions are on how the omnivorous approach of the UL is best achieved. It seeks to fundamentally reorganise a complex primary input to academic endeavour without reviewing its current state.

4 Critical Success Factors

Paragraph 2 explains at some length that library staff are crucial to the success of the implementation and that their 'aspirations and motivations' must be registered. It seems important, therefore, that library staff respond to the proposals. "For all the time I've worked in our library, loyalty to and a sense of belonging within the Institute have constituted the most part of my motivation. This is reinforced by my being conscious of representing the Institute outside the university, e.g. at the Koestler Awards, or The Crime and Punishment Collection Network. Similarly, my aspirations within my job are intimately tied to remaining a full part of the Institute. They involve helping to guide the evolution of the library as it serves the whole university's academic life whilst concentrating principally on the needs of the Institute's research and learning. The proposals in this review directly conflict with both my motivations and aspirations."

4.1 Student experience, expectation and need

This requires that the very different needs of different types of students be discovered, recognised and honoured in the first place, as well as integrated with those of the various research communities. This review doesn't attempt to do any such thing. Instead it assumes that it can speak for the needs of undergraduate, taught postgraduate, and research students without differentiating or specifying those needs. Once again, it assumes that there is no need to consult those groups on the provision of the services that underlie so much of their work.

4.2 One size does not fit all

"For this to have any meaningful currency, the 'sizes' need to be recognised and solutions agreed before any integration process were to begin. Again, no attempt is made in this report to do that. It notes, in fact, that the research functions of the academic community are beyond its remit yet it still goes on to recommend that a research library be immediately subsumed into the proposed affiliation process. No provision is made in the very short time-scale for either of these critical matters to be addressed. As a member of staff upon whom the critical success factors supposedly rest, I do not believe that this is an honest recommendation nor that it would translate into any honest commitment on the part of those that commissioned this report. If one size genuinely does not fit all, why did this review fail to notice, let alone address, the fundamental differences between the libraries in the consultation?"

The mentioned informality and flexibility are culturally created within the Institute and happen precisely because we are part of the lithe structure of the Institute, rather than the leaden bureaucracy of the U.L."

4.3 *Framework clarity and transparency*

At the moment, the library staff in the Institute have a direct reporting relationship to the Director. It's hard to imagine anything clearer or more transparent, particularly in light of the recommendations that the review makes to create new layers of representation and management within the U.L. structure. As well as being clear to the library staff, the present structure is perfectly transparent to all users of the library. The remark that the framework should be 'teased out and promulgated' once again neglects to acknowledge the short time-scale for change envisaged.

4.4 *Protect availability and accessibility*

While most of this point is uncontroversial, the last sentence returns to the faulty assumptions that underlie this review. No other models were put forward or explored.

4.5 *Embedded in the Faculty, Department and Institutes structure*

In practice, being embedded in the Institute means a great deal more than attending meetings, which is all that the review suggests in 5.2. Timeliness and responsiveness of service delivery are crucial factors in academic research library provision and these cannot be achieved if decision-making is taken away from the Institute and its library. The directness of our relationships with and accountability to Institute students and staff is what embeds us in the Institute. It's the removal of these factors that are being proposed.

"The embeddedness of library staff in the Institute would also be undermined in other ways by these proposals. At the moment, the library assistant staff attend Administrative and Library Staff Meetings within the Institute. If library staff were no longer part of the staffing structure of the Institute, attendance at and participation in these meetings would no longer be appropriate. This would cut off a valued source of support and comradeship for library staff as well as removing a distinctive perspective from the Institute's decision-making process.

It's notable that none of the recommendations in the review address this crucial issue. The design of a new logo, however, is important enough to have a recommendation of its own. Good library services are an expression of a healthy working culture and logos can't create cultures."

4.6 *Equality of treatment*

We have been successfully inclusive of the unified Cambridge for the last eleven years to my knowledge, and certainly longer. The proposed changes were never needed to prompt us to extend our services and our thinking beyond our own building, nor do those extensions follow on logically from the proposals.

4.7 *Overcoming the building-centric mindset*

Again, we've always prepared and encouraged our users to travel to different libraries, believing that it broadened their outlook and benefited their work. Similarly, our library and collections are in constant use by members of other departments. The reviewer has assumed a 'building-centric perception' to further the purposes of the review but, in reality,

that mindset dissipated years ago as the greater convergence and overlap in academic disciplines became more obvious.

4.8 *Transparent collections and services information*

This is already being done across all the Department and Faculty libraries in the university. Were it not, it would be a different problem than those the review seeks to address.

4.9 *Inclusivity*

Contrary to the sense of the suggestions here, recommendation 4 specifies precisely how the staff of 'affiliated' libraries should be distanced from decision-making processes within the UL structure.

4.10 *Trust and honesty*

The whole basis of this review is cosmetic. **We feel that an honest and transparent process would have consulted widely before the General Board review and proposed a number of models for the consideration of the whole university community.**

5.2 *Governance, management and reporting considerations.*

We do have a Library Committee at Criminology made up of academic staff and library staff although this section says that there are no library committees. We have concerns about the effect Recommendation 3 in this section will have on our freedom of action as well as our terms and conditions of employment. Significant changes in terms and conditions, without the agreement of the staff involved, may not be legal and would certainly be referred to trades unions. If librarians are reporting through a senior library officer to the Director of Library Services the expense of the extra post alone would result in the eventual downgrading of the Faculty Librarians.

5.3 *Collections/materials regardless of format, accessibility, availability, location and organisation*

This long point, covering several of the recommendations, holds a number of dangers for the work of the Institute. It suggests the creation of posts for heads of areas, which could only be realistically be funded by combining the posts of several subject librarians – a saving to the university would be expected. The size of the Institute would make it an obvious early target for this loss, presumably with day-to-day staffing being provided by cheaper posts. This would mean that decision-making on materials and service provision would quickly move out of the Institute (taking those budgets with it), and that the Institute would henceforth need to bid among a group of departments (all social sciences, for example) for resource. This process would have serious detrimental effects on the timeliness and responsiveness of service and materials provision to members of the Institute.

The Institute would also be especially vulnerable to the proposed redistribution of materials in recommendation 11. Our experience with the UL's Legal Deposit team shows that the interdisciplinary nature of criminology is a distinct disadvantage in the development of the Institute's collections. Were the integrity of our collections to pass out of the control of the Institute, many other departments could then legitimately lay claim to large parts of our stock. The UL itself, in fact, may consider that the 74% of our stock that

1

Subject: Statute K.5 Representation

Date: 20 December 2009 13:06:48 GMT

To:

Cc: DIST Registry

I, [REDACTED] represent to the Vice-Chancellor under Statute K.5 that the General Board is in breach of Statute C, I, 2:

Subject to the provisions of the Statutes, the General Board shall have power, after consulting other bodies, as appropriate, to enact Ordinances and to issue Orders relating to

(a) the administration and management of the institutions under its supervision other than the Schools and the Councils of the Schools;

in that it has put before the Council for publication a Notice published in the *Reporter* of 26 November, 2009 (Review of Teaching and Learning Support Services), [1] in which it declares the intention of proceeding with a plan

(a) radically to reconfigure several institutions under its supervision, including the University Library, without consulting the Regent House except insofar as particular elements in the plan may ultimately require a Grace, and

(b) to put such Grace or Graces at its own discretion by way of Notice and Grace and not by publishing a Report.

In circumstances where there has already been a Discussion on a Topic of Concern to the University on this matter where the overwhelming thrust of the speeches was to express concern about the scheme, I submit that it is contrary to the intention of the Statutes and Ordinances for the General Board to seek to proceed as though it could any longer be deemed 'appropriate' not to consult the Regent House about proposals of this magnitude and importance.

I further represent to the Vice-Chancellor under Statute K.5 that the General Board is in breach of **Statute A,II,1** which requires that no conflict be allowed to arise in the Statutes and Ordinances, in failing to create a Statute C Ordinance or to publish such Ordinance if it is deemed to have been created by any act of the General Board, with the result that uncertainties have arisen in the Statutes and Ordinances about the authority on which the Review of Teaching and Learning Support Services is being taken forward. The action of the General Board is therefore *ultra vires*.

Statute D, XI states that

1. There shall be in the University a Library Syndicate which shall have power to make rules for the management of the University Library, **provided that such rules shall not be inconsistent with any Ordinance.**

2. **The Librarian is placed under the direction of the Library Syndicate** and shall act as Secretary to it. It shall be the duty of the Librarian

(a) **to be responsible for the management of the University Library in all respects as determined by Ordinance** and by the rules made by the Library Syndicate;

(b) to act as the General Board's principal adviser on matters relating to libraries;

(c) to be responsible, in consultation with the Registry where appropriate, for the

custody and arrangement in the Library of the University archives and of documents that are added thereto at the request of the Registry or otherwise, provided that the Registry shall be entitled to require the temporary deposit in the Registry of any document to which he or she may need to refer.

The General Board's Annual Report, published in the *Reporter* of November 30, 2009[2] states at (12) that 'an Implementation Steering Group' has been set up 'to progress the implementation' of the proposals 'and that as a result, the strategic and logistical challenges involved in working towards a more co-ordinated structure are being


identified and addressed by the new University Librarian.'

In the absence of clarity about the Ordinances under which the integration of the Library with other bodies in the University is being taken forward the 'implementation' of 'proposals' may prove to be inconsistent with existing Ordinances and with the Statutes. To avoid such uncertainty, there must be an implied expectation that General Board Ordinances should be published in the *Reporter* at least as promptly as the Reporter notifies the Regent House of the approval of a Grace creating a Regent House Ordinance.

I further represent to the Vice-Chancellor to the Vice-Chancellor under Statute K.5 that if any act of the General Board relating to these proposals is alleged to have created an Order, that is *ultra vires* unless such Order has been published in the *Reporter* and declared to be an Order of the General Board because it creates uncertainty about what is and is not part of the University's domestic legislation in breach of **Statute A,II,1** which requires that no conflict be allowed to arise in the Statutes and Ordinances. Again, there must be an implied expectation that General Board Orders should be published in the *Reporter* at least as promptly as the Reporter notifies the Regent House of the approval of a Grace creating a Regent House Ordinance.

If no Ordinance or Order is deemed to have been created by the General Board, the present course of action by the General Board directed towards the radical and irreversible reconfiguration of the operation of the University Library without consulting the Regent House in a Report is likely to be *ultra vires*.

I will fax a signed copy of this representation.



From: [REDACTED]
Subject: Re: Statute K,5 Representation
Date: 23 December 2009 12:16:59 GMT

To: [REDACTED]
Cc: DIST Registry [REDACTED]

Thank you. I am aware that in a recent invocation of the Statute by Professor A.W.F. Edwards a deputy was appointed to consider the matter and a proper process of consideration is to be gone through. The issues I have raised go to important questions in the interpretation of the statutes, with enormous implications for the operation of Statute C, so I trust the present invocation will similarly prompt the appointment of an appropriately-qualified deputy and thorough consideration.

If the Statutes and Ordinances are indeed to be overhauled as many of us have been asking for years, it may be well for the committee dealing with this in the first instance to bear in mind the need for better clarity about the operation of Statute C powers to create Ordinances and Orders.

There is justified concern in the Regent House and more widely about perceived trends to substitute managerial processes for democratic procedures; it is of course the purpose of the Statutes and Ordinances to set limits to that kind of thing. The 'Lift' K,5 and this present one arise from concerns in this area. Similar concerns prompted the enormous Discussion on the Statute U proposals.

It is to be anticipated that Statute C reform will now prove to be an area of controversy in any proposed reforms.

Please will you confirm that this email is made available to whoever is appointed to consider this representation?

[REDACTED]
On 23 Dec 2009, at 12:05, [REDACTED] wrote:
Dear [REDACTED]

The Vice-Chancellor acknowledges safe receipt of your e-mail, fax and letter. The matter is being dealt with.

Yours sincerely
[REDACTED]

[REDACTED] Personal Assistant to the Vice-Chancellor University of Cambridge The Old
Schools Trinity Lane Cambridge CB2 1TN Tel: [REDACTED]

From: [REDACTED]
Subject: Evidence in connection with K,5 invocation

Date: 24 December 2009 10:33:56 GMT

To: [REDACTED]
Cc: DIST Registry [REDACTED]

May I ask that whoever is appointed as the Vice-Chancellor's Deputy to consider my representation under Statute K.5

(1) to read the postings on this topic on the ucam.governance newsgroup, particularly the various URLs provided by Bruce Beckles in connection with his series of FOI requests which led to the calling of a Topic of Concern Discussion.

(2) to read the consultant report disclosed in response to an FOI request from Bruce Beckles. This may be found at:

<http://www.whatdotheyknow.com/request/23916/response/61392/attach/html/3/FOI%202009%20142%20Beckles.pdf.html>

These all provide evidence about the failure to consult as the Statutes and Ordinances require or expect and the arguably unstatutory behaviour of the General Board in this matter. I would draw attention in particular to the GB's apparent failure to ensure that the consultants were made aware of the University's statutory requirements in making their recommendations, but were given to understand that the plans were to go ahead and it was only a question of deciding how they were to be implemented.

Nowhere does the subject of the creation of Ordinances seem to have been addressed, nor the need to change the Librarian Statute.

I would be most grateful for confirmation, once the Old Schools reopens after the Christmas break, that this email will also be made available to the Vice-Chancellor's deputy.

[REDACTED]

From: [REDACTED]
Subject: Re: Evidence in connection with K.5 invocation

Date: 24 December 2009 11:34:35 GMT

To: [REDACTED]

Thank you.

[REDACTED]
On 24 Dec 2009, at 11:27, [REDACTED] wrote:

I confirm that this e-mail may also be made available to the Vice-Chancellor's Deputy.

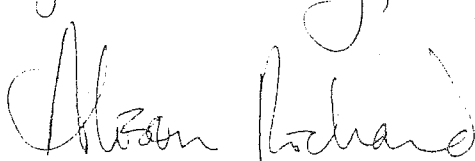
[REDACTED]
[REDACTED] Personal Assistant to the Vice-Chancellor University of Cambridge The Old
Schools Trinity Lane Cambridge CB2 1TN Tel: [REDACTED]

6 January 2010



I am writing formally to acknowledge your representation of 20 December 2009 under Statute K5. I have asked Professor Eilis Ferran to undertake an investigation on my behalf and to advise me as to the decision I might make under the Statute. Professor Ferran will have full access to all relevant documents and be able to speak to anyone whom she believes is relevant to her inquiry. I will, of course, as requested, provide Professor Ferran with your subsequent emails of 23 and 24 December 2009. I would, however, like to make clear at this point that Professor Ferran, whilst undertaking this investigation on my behalf, is not acting as the Vice-Chancellor's Deputy as you suggest in your email of 24 December.

As you know, I am required to make a decision promptly but in any event within three months, unless the person making the representation has agreed in writing to an extension of time.

Yours sincerely,


A F Richard

The Old Schools
Trinity Lane
Cambridge CB2 1TNTel: [REDACTED]
Fax: [REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 13 January 2010 11:39
To: POLE Vice-Chancellor
Cc: [REDACTED]
Subject: K.5 invocation

Dear Alison,

Thank you for your letter of 6 January which tells me that you have asked Professor Ferran to undertake an investigation on your behalf. I am interested that you say she is not acting as your deputy. As far as I can see under the Statutes she could in principle be appointed as a deputy for this purpose but if she is not then surely the investigation cannot be handed to someone else without your also handing the decision-making to the investigator? Statute K.5 says:

'the Vice-Chancellor shall inquire into the matter and shall declare either that there has been no such contravention, or that the said act or matter is of no effect, or, if the Vice-Chancellor is of the opinion that the contravention has not affected the result, that in his or her opinion the validity of the act or matter is not affected by the circumstances represented. Where the Vice-Chancellor finds that there has been a failure or omission to act he or she may give such directions in the matter as shall seem to him or her to be appropriate.'

You say Professor Ferran is to carry out this investigation 'on your behalf' so you are not going to be inquiring yourself. There is no provision in the Statute for you to delegate the inquiry and then decide on the basis of advice received from someone else's conduct of the inquiry (including quite a bit of potential discussion with 'anyone' as you put it) is there? You will not be making the inquiry your own but merely receiving advice as to your decision, won't you? The inquiry and the decision will be disjoined and the Statute does not provide for that to happen. This seems to be an interesting public/administrative law question in its own right which might be something the Commissary could be asked to rule on.

Please may I have your/Professor Ferran's assurance that I shall be shown any responses or discoveries made during the 'investigation' and be allowed to comment on them?

[REDACTED]

From: [REDACTED]
Subject: RE: K,5 invocation
Date: 14 January 2010 10:43:35 GMT
To: [REDACTED] Vice-Chancellor [REDACTED]
Cc: [REDACTED]

This is receiving the Vice-Chancellor's attention and she will hope to reply to you early next week

[REDACTED]



UNIVERSITY OF
CAMBRIDGE

Vice-Chancellor's Office

Professor Alison Richard, Vice-Chancellor
The Vice-Chancellor's Office

19 January 2010

Dear

I refer to your email of 13 January 2010.

I do not accept that it is in any way improper of me to have asked Professor Ferran, given the constraints on my time, to conduct an investigation and to make recommendations as to the decision to be taken. My own deliberations will still involve a full consideration of the facts and issues in question and the decision will remain mine.

The provisions of Statute K, 5 do not provide for you to be shown 'responses or discoveries' arising in the course of the consideration of your representation. Accordingly I cannot provide the assurance which you seek.

Yours sincerely,
Alison Richard

A F Richard

The Old Schools
Trinity Lane
Cambridge CB2 1TN

Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]

From: [REDACTED]

Subject: Re: K,5 invocation

Date: 14 January 2010 10:50:04 GMT

To: [REDACTED]

Cc: ROLE Vice-Chancellor [REDACTED]
[REDACTED]

Thank you very much. I think this is quite an important point since I am aware from long experience of K,5s and knowledge of the experience of others, that it has become the custom to conduct these 'investigations' and make these 'decisions' by this disjointed method. It could lead to an expensive judicial review application at some time in the future so it does need to be resolved. It was the Vice-Chancellor's statement that Professor Ferran was not being created her deputy for this purpose which made me think about this. Of course delegation to a person is also possible now under Statute K,9.

[REDACTED]

From: [REDACTED]
Subject: K.5
Date: 20 January 2010 11:53:40 GMT
To: [REDACTED]
Cc: [REDACTED]

Dear Alison,

Thank you for your letter of 19 January.

That you are too busy to make your own detailed inquiries is not in dispute. I am puzzled that you seem still not to be willing to appoint Professor Ferran as your deputy. As you may see from the 'Reporter' record of the Statute K.5 invocation which was considered by Lord Oliver when he was Commissary, the then Vice-Chancellor appointed him as deputy. He refers to:

'My instructions to act as the Vice-Chancellor's deputy'

(<http://www.admin.cam.ac.uk/reporter/1997-8/weekly/5716-4.html>)

He set out with great clarity the legal basis of that appointment under the Statutes. If you do not do so or delegate powers to Professor Ferran as K.9 now allows you to do, you inevitably expose your decision to challenge. [Now] Lord Justice Sedley commented in his judgement reported in the same 'Reporter' that 'the principle spelt out in Statute K, 9 represents a familiar doctrine of public law summarised in this way in de Smith, Woolf and Jowell, *Judicial Review of Administrative Action* (5th edition) para. 6-112 (2):

The degree of control (*a priori* or *a posteriori*) maintained by the delegating authority over the acts of the delegate or sub-delegate may be a material fact in determining the validity of the delegation. In general the control preserved (e.g. by a power to refuse to ratify an act or to reject a recommendation) must be close enough for the decision to be identifiable as that of the delegating authority.[1]

It seems foolish to risk making the decision yourself when you have not conducted the investigation, since the decision could then be appealed to the Commissary.

As to allowing me to comment on any 'responses or discoveries', no indeed the Statute is not explicit on that point. Lord Oliver comments on the fact that 'the Statute contains no provisions regulating the manner in which the Vice-Chancellor is to "inquire into the matter" nor is there any indication at all of the course which such inquiry is envisaged as taking'. It is however commonplace good practice and could help you avoid a subsequent appeal, and there is nothing in the Statute to prevent it. One would think it would be common sense to follow established good practice in the interests of justice.

[REDACTED]

From: [REDACTED]
Subject: Conflict of interest re K,5
Date: 21 January 2010 08:28:25 GMT
To: [REDACTED]
Cc: [REDACTED]

Alison,

I have just remembered that you chair the General Board. In those circumstances you surely must recuse yourself and appoint a deputy. You cannot possibly properly determine a K,5 invocation which concerns your own actions. I am surprised that you did not realise this yourself at the outset, given the precedent of appointing a deputy set by Lord Oliver as a retired law Lord when he was Commissary in circumstances where the then Vice-Chancellor had chaired committees whose actions were being brought into question.

[REDACTED]

29 January 2010

Dear [REDACTED]

I refer to your representation of 20 December 2009 under Statute K, 5.

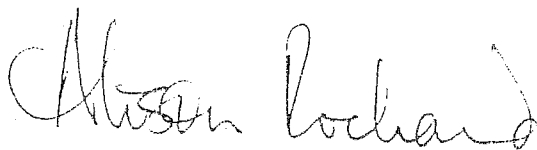
As stated in my letter to you dated 6 January 2010, I asked Professor Ferran to conduct an investigation and to advise me as to the decision I might make.

Professor Ferran has now reported to me and I enclose a copy of her report. Having carefully considered the facts and issues arising in relation to your representation, I concur with Professor Ferran's advice, for the reasons which she gives.

Accordingly, I find that there has been no contravention of the Statutes, Ordinances or any Order, as represented by you, and I so declare.

In your email of 21 January 2010, you referred to my role as chair of the General Board. I do not accept that my chairmanship of the General Board required me to recuse myself in determining this matter.

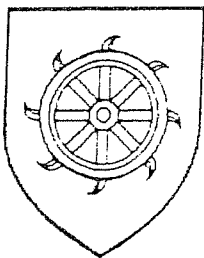
Yours sincerely



A F Richard

The Old Schools
Trinity Lane
Cambridge CB2 1TN

Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]



The Vice-Chancellor
Old Schools
University of Cambridge

Professor Ellis Ferran
Professor of Law and Secretary Law
Director of Studies in Law

25 January 2010

Dear Vice-Chancellor,

Representation under Statute K,5

You have asked me to advise you as to the decision you might make under Statute K,5 with regard to whether there is substance in [REDACTED] representations. I consider each of her representations in turn below. In summary, my opinion is that none has substance.

The General Board is in breach of Statute C, I, 2 ... in that it has put before the Council for publication a Notice published in the Reporter of 26 November, 2009 (Review of Teaching and Learning Support Services), in which it declares the intention of proceeding with a plan

- (a) radically to reconfigure several institutions under its supervision, including the University Library, without consulting the Regent House except insofar as particular elements in the plan may ultimately require a Grace, and
- (b) to put such Grace or Graces at its own discretion by way of Notice and Grace and not by publishing a Report.

The Review does not contain declarations in the terms suggested by [REDACTED] so the premise of this representation is factually incorrect. I am conscious that the brevity of this response could create a misleading impression so, for the record, I note here that I have read the Review carefully several times looking, in vain, for passages setting out the intentions that [REDACTED] attributes to the General Board.

The General Board is in breach of Statute A,II,1 ... in failing to create a Statute C Ordinance or to publish such Ordinance if it is deemed to have been created by any act of the General Board.

Statute A,II,1 is empowering rather than mandatory. The general principle is that if a body has a discretionary power, then it is for the body to decide whether and how to exercise it. In general, then, failure to utilise a discretionary power is not a breach of the statute in question. This is subject to the qualification that on a true construction of a

St Catharine's College, Cambridge, CB2 1RL
Telephone + [REDACTED] Fax + [REDACTED]
Email [REDACTED]

statute, there may be an implied duty to exercise the power in particular circumstances. There are no clear indications in Statute A.II.1 as to circumstances in which an implied duty could arise. I will proceed on the basis that there could be an implied duty and that applying general principles of public law, it would arise in circumstances in which it would be unreasonable not to exercise the power. The unreasonableness test is pitched at a very high level in public law. The usual way of expressing the test is to say that a decision is unlawful if it is one to which no reasonable authority could have come. Within the bounds of legal reasonableness, understood in this way, a public authority has genuinely free discretion.

To find that the General Board is in breach of Statute A.II.1 in failing to create an Ordinance, it must therefore be shown that the plans were sufficiently advanced to have triggered the implied duty that I have identified. In my opinion, it is for [REDACTED] to specify clearly in her representation the "act" (or "omission") that in her view caused the duty to arise. I do not consider that she has done so. It follows from my response to the first representation that the Notice published in the Reporter cannot be considered to have triggered or created any relevant duty.

I do not understand the basis for saying that an Ordinance can be made on a de facto basis by reason of an act of the General Board. The onus is on [REDACTED] to identify clearly the "act" in question and the basis on which it can be "deemed" to be an Ordinance. In my opinion, she has not done so.

if any act of the General Board relating to these proposals is alleged to have created an Order, that is *ultra vires* unless such Order has been published in the Reporter and declared to be an Order of the General Board because it creates uncertainty about what is and is not part of the University's domestic legislation in breach of Statute A.II.1 which requires that no conflict be allowed to arise in the Statutes and Ordinances.

An act that "is alleged to have created an Order" is not an Order; it is a hypothetical or speculative allegation. As such, there is nothing identified in this representation to which the *ultra vires* doctrine could attach.

If no Ordinance or Order is deemed to have been created by the General Board, the present course of action by the General Board directed towards the radical and irreversible reconfiguration of the operation of the University Library without consulting the Regent House in a Report is likely to be *ultra vires*.

This comment is presumably not intended to be part of the representation. A suggestion of the likelihood of *ultra vires* is not an allegation that there *has been* a contravention, which is what K.5 requires. Furthermore, a "course of action" over an unspecified period of time is insufficiently precise for the purposes of K.5 because it is impossible to pinpoint a date from which a 30 day period could be calculated.

General observations

I am aware that the General Board undertook in its Annual Report for 2007-8 to consider comments on the Review of Teaching and Learning Support Services and to make substantive recommendations, where the University's approval was required, in the course of 2008-9. It appears that the timetable has slipped but the Notice of 9 November 2009 indicates a continuing commitment by the General Board to report, as necessary, to the University. This commitment is consistent with the legal framework. If, or when, the General Board comes to the view that legislative change is needed, it will have to consult as appropriate, as required by Statute C.I.2. The statement of intention (Statutes and Ordinances (2009), p 117) makes it clear that the Regent House is to be consulted on any matter requiring legislation that is likely to prove controversial.

I have proceeded on the basis that the K,5 inquiry procedure is a limited one relating only to acts or omissions that are clearly identified in the submitted representation and supported by full details.

Materials consulted

I have read the material supplied to me by Dr Kirsty Allen, as listed in her memo of 15 January. I have referred to relevant provisions of the Statutes and Ordinances. I have considered postings on ucam.change.governance and the consultant's report mentioned by [REDACTED]

Conclusion

I hope my advice is clear. Should you have any questions. I am, of course, at your disposal.

Yours truly

Eilís Ferran
Eilís Ferran

St Catharine's College, Cambridge, CB2 1RL
Telephone + [REDACTED] Fax + [REDACTED]

Email [REDACTED]