In the matter of a representation to the Commissary by under Statute D. Chapter V.

SUBMISSIONS ON BEHALF OF THE UNIVERSITY'S RESPONDENT

- I. The alleged failure of the General Board to 'consult' by the publication of a Report before entering upon a course of action effectively pre-empting the possibility that the decision of the Regent House may be to veto the Graces which will ultimately be necessary.
- 1. The Commissary is referred to the attached Chronology (in particular to the underlined and highlighted passages) and to the attached underlying documents evidencing the sequence of events in this matter.
- 2. Statute C. I. 2 (to which the Applicant refers at paragraph I.2 of her submissions) provides as follows:

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.
- 3. The General Board has issued a Notice as follows:

Statement of intention

In considering any proposal for enacting or amending an Ordinance in pursuance of their powers under Statute C, I, 2, the General Board will consult other University bodies as appropriate. If in the course of such consultation the Board become aware that the matter is likely to prove controversial, they will also consult the Regent House by initiating a Grace enabling the Regent House to express an opinion on the proposed change. The Board will give consideration to remarks made at any Discussion of such matters and to the outcome of any vote on them. (Statutes and Ordinances, 2009, p.117)

- 4. As the Chronology shows, the General Board has not at any material time enacted any Ordinances or issued any Orders in relation to teaching and learning support services, or considered any proposal for the same. Accordingly, the suggestion that the General Board has acted in contravention of Statute C. I, 2, by failing to consult as required (or by failing to initiate a Grace) before enacting any such Ordinance or issuing any such Order, is entirely misconceived.
- 5. Statute A, II, 1 provides as follows:

The University shall have power, for the encouragement of learning, the maintenance of good order and discipline, and the management of its affairs, to enact Ordinances and to issue Orders (whether by way of exception to an Ordinance or otherwise): provided always that no such Ordinance or Order shall contravene any provision of the Statutes.

- 6. Statute A, III. 1-4 provides as follows:
 - 1. The Regent House shall be the governing body of the University.
 - 2. Any power of making, altering, or repealing Statutes which is assigned to the University by the Universities of Oxford and Cambridge Act 1923, or by any other Act of Parliament, shall be exercised by the Regent House.

3. The powers of enacting Ordinances and issuing Orders, except so far as such powers are assigned by Statute to any other authority, shall be exercised by the Regent House.

4. Whenever it is provided that an act or thing shall or may be done or determined by the University, it shall be done or determined by Grace of the Regent House unless it is expressly stated that it is to be done or determined otherwise, provided that the Regent House may delegate to the Council or to another body authority to act on its behalf in such matters as it may from time to time determine.

Statue A. VIII. 5 provides as follows:

Any proposal to be placed before the Regent House or the Senate for approval shall be in the form of a Grace. The Council shall have the power of initiating Graces and of submitting Graces to the Regent House or the Senate. Any Board, Syndicate, or other authority may initiate a Grace for submission to the Regent House, and may request the Council to submit it.

- 8. The Applicant has not identified any relevant and specific act or determination by the General Board which has been done or determined without a Grace of the Regent House, despite such Grace being required, either under Statute A or otherwise. Furthermore, the Chronology shows that no such act or determination has taken place.
- 9. As stated in the advice of Professor Ferran dated 25 January 2010, "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."
- 10. The point at which a Report of the General Board or Grace to the Regent House may be required has not been reached. As the General Board has made clear on a number of occasions (see the Chronology), once the Board has come to a considered view on the Review Committee's report and on any substantive changes to Statutes and Ordinances needed to implement the report's proposals, the Board will report, as necessary, to the University. In particular, where any implementation approved by the General Board requires consideration by the Regent House, or approval by Grace, the necessary propositions will be put forward in the normal way.
- 11. There has to date been no failure or omission to act as required by Statute. Ordinance or Order, nor any decision which is unreasonable by virtue of being *ultra vires*, procedurally unsatisfactory or incorrect in fact. The Applicant's application is accordingly wholly premature in nature and entirely misconceived.

- II. The allegation that the conduct of a representation made to the Vice-Chancellor on this matter at the end of December 2009 under Statute K, 5 was procedurally unsatisfactory.
- 1. The extract from Statute K. 5 which the Applicant quotes at paragraph II.2.1 of her submissions is out of date and was amended with effect from 2 May 2007.
- 2. The full version of Statute K.5 in force currently and at the time of the Applicant's representation to the Vice-Chancellor by email date 20 December 2009 is as follows:
 - 5. (a) If, within thirty days after the doing of any act by any person or body having power to act under the Statutes, or in the event of failure or omission to act as required by Statute, Ordinance, or Order within thirty days after the date specified for the performance of that act, it is represented in writing to the Vice-Chancellor by a member of the University that there has been a contravention of the Statutes, Ordinances, or any Order in the doing of such act, or in such failure or omission, 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. The person making the representation shall state in writing the act or matter to which he or she refers, and with full detail of the contravention of Statute, Ordinance, or Order which he or she represents has taken place. The Vice-Chancellor shall give his or her decision promptly but in any event within three months, unless the person making the representation has agreed in writing to an extension of time.
- (b) If the person making the representation is dissatisfied with the Vice-Chancellor's decision or if he or she believes that there has been unreasonable delay, he or she may make a representation to the Commissary in the manner prescribed in Statute D, Chapter V. The decision of the Commissary shall be final. If there is no representation to the Commissary, the decision of the Vice-Chancellor shall be final.
- (c) No act shall be invalid by reason of the fact that there has been a contravention of the Statutes. Ordinances, or Order unless there has been a representation in writing under paragraph (a) of this Statute within thirty days after the doing thereof.
- (d) No act shall be invalid by reason of the fact that any person taking part in the act, and chosen in the manner prescribed or authorized by the Statutes. Ordinances, or Order to be the person or a member of the body authorized to act, was not qualified to be so chosen.
- 3. On receipt of the Applicant's representation under Statute K, 5, the Vice-Chancellor asked Professor Eilis Ferran to undertake an investigation on her behalf and to advise her as to the decision which she might make. The Vice-Chancellor did not appoint Professor Ferran as her deputy under Statute D, III. 7.

- 4. It is not accepted that the Vice-Chancellor's chairmanship of the General Board required her to recuse herself and to appoint Professor Ferran, or some other suitable person, as her deputy.
- 5. Given in particular the internal (domestic) character of this first stage of the K. 5 process and the nature of the Applicant's representation (which did not involve the consideration of any private rights), it was entirely proper for the Vice-Chancellor to deal with this matter herself.
- 6. The observations of Lord Wilberforce in Calvin v. Carr [1979] 2 All E.R. 440 (at p. 449) are relevant in the context:
 - "... it is undesirable in many cases of domestic disputes, particularly in which an inquiry and appeal process has been established, to introduce too great a measure of formal judicialisation. While flagrant cases of injustice, including corruption or bias, must always be firmly dealt with by the courts, the tendency in their Lordships' opinion in matters of domestic disputes should be to leave these to be settled by the agreed methods without requiring the formalities of judicial processes to be introduced."
- 7. Moreover, the Applicant appears herself to concede that it was a permissible course for the Vice-Chancellor not to appoint a deputy under Statute D, III, 7 (see paragraph II.2.5 of the Applicant's submissions).
- 8. Further, without appointing a deputy, it was entirely proper for the Vice-Chancellor, given in particular the constraints on her time, to ask a suitable member of the Regent House, such as Professor Ferran, to undertake an investigation on her behalf and to advise her as to the decision which she might make.
- 9. Contrary to the Applicant's unsubstantiated assertions that the Vice-Chancellor "adopted the advice given to her unconsidered" and as the Vice-Chancellor made clear to the Applicant in the course of her correspondence with her, the Vice-Chancellor's own deliberations still involved a full consideration of the facts and issues in question and the decision remained the Vice-Chancellor's own decision (see in particular the Vice-Chancellor's letters to the Applicant dated 19 January 2010 and 29 January 2010).
- 10. The fact that the Vice-Chancellor, after due consideration, concurred with Professor Ferran's advice, for the reasons which she gave, does not render her decision invalid or procedurally objectionable.
- 11. It is well established that considerations of practical convenience may justify a person entrusted with decision-making powers assigning to a committee or individual officer the task of conducting an investigation and making recommendations as to the decision to be taken, providing that (as here) the report

¹ See Report of the Council on Statutes K,2 and K,5, paragraph 6, www.admin.cam.ac.uk.reporter 2000-01 weekly 5846 20.html: "The Council believe that Statute K,5 should be principally a procedure for the quick correction of mistakes which are directly related to the question of whether Statutes or Ordinances have been evidently contravened"

of that committee or individual is full enough to enable the principal to subject the salient points to his or her own scrutiny, as well as to decide.

² See Lord Denning, MR in *Selvarajan v Race Relations Board* [1976] 1 All E.R. 12: "For my part I can see no reason why the board should not delegate to its staff the function of collecting information. It would be impractical for members of the board themselves to make investigations."

CHRONOLOGY

<u>Passages in bold and underlined below are those on which the Respondent particularly relies.</u>

10
October
2007

The General Board sets up a Review Committee with the following terms of reference, namely to review the University's provision for the support of teaching and learning and to make recommendations for the future having particular regard to: http://www.adntin/cam/ac/uk/ camonly/committee gb/minutes/26/ 071010/pdr

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- 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 levels:
- 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, particularly in view of the fact that a search for a new University Librarian would shortly be launched.

February 2008

The Review Committee first meets and on 20 February 2008 the General Board issues a Notice in the *Reporter* announcing the setting up of the Review Committee and inviting members of the University Members to send any comments on the review before 31 March 2008.

http://www.ad min.cam.ac.uk/ reporter/2007-08/weekly/6103 /10.html

Doc 2

Doc 3

9 July 2008

The General Board receives the report of the Review Committee at its meeting. The Board approves in principle the recommendations in the report and agrees to receive proposals for membership of an implementation steering group at its next meeting.

http://www.ad min.cam.ac.uk/ camonly/committee //gb/minutes/20 080709.pdf

6 August 2008 Comments on the report are invited by November 2008 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, and ISSS.

e.uk/ nittee es/20

8 October 2008

The General Board approves the membership of the implementation steering group

12

In its Annual Report 2007-08, the General Board

http://www.admin.eam.ac.uk

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2008

November reports as follows:

annualreport 2 Bur untill pdf

3.1. The Board set up a Review Committee in October 2007 to look at Teaching and Learning Support Services, which reported to July 2008. The scope of the review principally concerned activities currently supported by the University Library (I. L.). University Computing Service (ECS) Language Central and Centre for Applied Research in Educational Technologies (CARET). The principal recommendations of the report converned:

(i) developing the role of the University Lthranian as Director of Library Services, responsible for all Library provision in the

(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

(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.

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."

16 March 2009

The Council issues a Notice of its response to the remarks made at the Discussion of the Annual Report of the Council and General Board.

http://www.ad min.cam.ac.uk/r enorter/2008-09/weekly/6145 /3.html

Doc 5

The relevant extract reads:

"Comments were made about the review of teaching and learning support services on which the Board have now received responses from a wide range of bodies and groups, including Faculty Boards, the Councils of the Schools, and the Library Syndicate. Those responses, together with experience elsewhere, will be taken into account in the implementation of the proposals. Where such implementation requires consideration by the Regent House, or approval by Grace, the necessary propositions will be put forward in the normal way.

7 July 2009

A Discussion is held on a Topic of Concern: The unpublished report from the committee reviewing teaching and learning support services.

http://www.admin cam ac ok r eporter 2008-09/weekly/6157 /30.html

Doc 6

The concluding remarks of Professor Cliff (Chair of the Review Committee and of the subsequent Implementation Steering Group) read as follows:

"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 puriher discussions with the Heads of those institutions most closely involved namely the University Library. University Computing Service, the Language Centre, and CARET In addition, the Implementation Steering Group held an open meeting in March 2009 attended by 32 Departmental and Faculty librarians. The new University Librarian has had separate discussions with the librarians from the School of the Humanities and Social Sciences and the School of Arts and Humanities. She has also met with the College librarians at a meeting of the Cambridge College Libraries Forum and she has also met with a number of other Departmental and Faculty librarians on an individual basis. 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. 590). This remains the Board's intention.

8 July 2009

The General Board receives an interim report of the Implementation Steering Group.

http://www.ad min.cam.ac.uk/

Doc 7

October 2009

MacDougall Consulting Ltd produces 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, commissioned by Implementation Steering Group.

090708.pdf http://www.wha

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camonly/committee //gb/minutes/20

November 2009

In its Annual Report 2008-9, the General Board reports as follows:

http://www.ad min.cam.ac.uk/ univ/ annualreport/20 09 council.pdf

tdotheyknow.co

m/request/2391

6/response/613 92/attach/3/FOI

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"12.1 Following the Board's consideration of the Report of the Review Committee for teaching and learning support services, an implementation Steering Group, chaired by Professor Cliff, was set up by the Board to progress the implementation of the report. in the light of consultation with Faculties. Departments, and

12.2 The Group have so far considered the responses to the consultation and has held meetings with the Heads of those institutions most closely involved - the University Library, University Computing Service, Language Centre, and Centre for Applied Research in Educational Technologies. In addition, the Group held an open meeting in March 2009 with Departmental and Faculty Librarians.

12.3 The Board are clear that the review of learning and teaching support services is serving as a catalyst for the development of a framework for improved communication with Faculty and Departmental Librarians and that as a result, the strategic and

ingistical challenges my lived in working towards a more exscalinated structure, are being identified and addressed by the new University Librarian. The Board are sensitive to the need for the transition to the new structures recommended by the review to be a consultative process, realistically paced

9 November 2009

A Notice is published in the Reporter as follows:

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 Registrary should consider the general policy on publishing such reports and advise the central bodies appropriately."

November 2009

A copy of the report of the Review Committee is published in the *Reporter*.

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GENERAL BOARD OF THE FACULTIES

A meeting of the Board was held at 2.15 p.m. on Wednesday 10 October 2007 in the Syndicate Room, The Old Schools.

Present: the Vice-Chancellor (in the Chair), Dr Bampos, Professor Barker, Professor Bell, Professor Sir Tom Blundell, Professor Brown, Mr Coulthard, Professor Ford, Professor Sir Richard Friend, Professor Hunter, Ms Linder, Dr MacDonald, Professor McKendrick, Professor Sissons and Professor White, with the Academic Secretary as Secretary, the Deputy Academic Secretary and Mr Thompson. Professor Cliff, Professor Minson, Dr Pretty, the Registrary and the University Draftsman were also present.

An apology for absence was received from Professor Leslie.

The Vice-Chancellor, on behalf of the Board, welcomed Dr Nicholls to his first meeting as Registrary, and Dr Bampos back from leave.

Part A - Preliminary and Legislative

A1. Minutes

The Minutes of the meeting of the Board held on 11 July 2007 were approved and signed (Paper No. 07.A.30).

The Board noted that a General Board circular, issued on 27 July 2007, had been approved on Friday 3 August 2007, subject to Paper No. 07.91, concerning the Joseph Needham Professor of Chinese History, being withdrawn.

The Board noted that a General Board circular, issued on 28 September 2007, had been approved on Friday 5 September 2007, subject to an amendment to Paper No. 07.102, concerning Appointments to Headships of Departments.

A2. Report by the Vice-Chancellor

The Vice-Chancellor congratulated Professor Sir Martin Evans, a former member of the Department of Genetics, on being awarded, jointly, the Nobel Prize for Medicine. She noted the recent Sunday Times article celebrating excellence in UK universities. The Vice-Chancellor commented on the discussions at the recent Council Awayday at Ickworth. She noted that the Board's Research Policy Committee would give preliminary consideration to the Sainsbury review of Government science and innovation policies. The Vice-Chancellor also commented on HM Treasury's Comprehensive Spending Review, noting that initial reaction had been positive.

A3. Joint Report of the Council and the General Board on the supervision of the University's information strategy and information communication and technology services and systems: Notice Minutes 06.11.A3, 07.04.A3 and 07.06.A6

The Board received a draft Notice in response to remarks made at Discussion on 10 July (Paper No. 07.A.31).

After the Academic Secretary had commented, the Board, for their part, agreed to approve the Notice and they signed it.

A4. Draft Joint Report of the Council and the General Board on a Gender Equality Policy Minute C/02/07/1

The Board received a draft Joint Report of the Council and the General Board on a Gender Equality Policy (Paper No. 07.A.32).

Professor Cliff drew attention to point 5, noting the direct effect of adopting the policy on staff and students. He commented that the University would be required to issue an Annual Report, and would be subject to a triennial monitoring procedure.

The Board, for their part, agreed to approve the Report and they signed it.

Part B - Principal Business:

B1. Review of the University's arrangements for teaching and learning support

The Board received a paper by the Secretary about this proposed review (Paper No. 07.B.19).

The Vice-Chancellor commented on the context of the paper, noting on the one hand the discrete pedagogic activities in certain non-school institutions and the resource implications of those activities, and on the other the developing role of university libraries in the light of advances in the use of technology. She noted that there was an opportunity to reflect on how pedagogic activities were configured at Cambridge.

Professor Cliff commented on the need to give further consideration to the membership of the Committee. Professor McKendrick noted that those pedagogic activities which were currently ongoing would continue while the Committee undertook its review.

The Board approved the proposal and authorised the Vice-Chancellor and Secretary to finalise the membership of the Review Committee in the light of the discussion.

B2. General Board Work plan for 2007-08 Minute 07.07.B1

The Board received the final version of the Work plan for information (Paper No. 07.B.20).

After the Secretary reported a further amendment the Board approved the plan.

B3. Draft Annual Report of the General Board to the Council 2006-07

The Board received a first draft of their Annual Report to the Council 2006-07, together with the draft Annual Report of the University Council 2006-07 (Paper No. 07.B.21).

The Secretary invited members to provide drafting suggestions by 31 October. In connection with Section 6.1, Professor Brown emphasised the need to expedite actions arising from the Board's Review of Graduate Education.

The Board agreed to receive a final version for signature at their next meeting.

Part C - Other substantive business:

C1. Education Committee

The Minutes of a meeting of this Committee held on 3 October 2007 were received (Paper No. 07.C.35).

In connection with Minute 2.2, concerning the QAA Institutional Audit 2008, Professor McKendrick drew attention to the Audit timetable and the timetable for the production of the University's briefing document.

In connection with Minute 2.4, concerning the Review of Undergraduate Education, the Board noted that the outcomes of the Review would be considered at their meeting on 28 November 2007.

In connection with Minute 2.6, concerning CUSU: Cambridge-specific Student Survey, Professor McKendrick drew attention to discussions concerning the addition of questions more applicable to Cambridge in the NSS Survey. Professor Barker suggested that University institutions might be invited to encourage students to participate in the Survey.

The Board approved the recommendations in the Minutes.

C2. Proposed merger of the Department of Chemical Engineering and the Institute of Biotechnology

The Board received a proposal from the Head of the Department of Chemical Engineering and the Director of the Institute of Biotechnology on a merger (Paper No. 07.C.36).

Professor White indicated that consultations had taken place with staff and students. Professor Blundell, welcoming the proposal, noted the opportunity to strengthen links with relevant institutions in the School of Biological Sciences.

The Board agreed to welcome the draft proposal and they noted that a Report to the University would be prepared for their consideration at a later meeting.

C3. Standing Orders

The Board received a paper prepared by the Officers in connection with General Board Standing Orders (Paper No. 07.C.37).

In connection with draft Standing Order 11, the Board agreed that this should be amended so as to make clear that meetings would be held at least twice a term and that the Chairman be allowed to convene additional meetings as necessary. In connection with draft Standing Order 12, they agreed that adjournment of meetings beginning at 2.15 p.m. should be by 4.30 p.m.

The Board agreed to receive a final version for approval at a future meeting.

C4. Centre for Science and Policy

The Board received a proposal for the creation of a Centre for Science and Policy (Paper No. 07.C.38).

The Vice-Chancellor commented on the extent of external support for the proposal, the range of issues which might be considered by such a Centre and its international dimensions.

The Board, having noted that such a Centre would be located within the Judge Business School and would report regularly to the Board, agreed to support the proposal.

RESERVED

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

Q am 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.

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GENERAL BOARD OF THE FACULTIES

University of Cambridge

A meeting of the Board was held at 2.15 p.m. on Wednesday 9 July 2008 in the Syndicate Room, The Old Schools.

Present: the Vice-Chancellor, Mr Bagshaw, Dr Bampos, Professor Barker, Professor Bell, Professor Sir Tom Blundell (except for item R6), Mr Bortrick, Professor Brown, Professor Ford, Professor Sir Richard Friend, Professor Hunter, Dr MacDonald, Professor McKendrick, Professor Sissons and Professor White, with the Academic Secretary as Secretary, the Deputy Academic Secretary and Mr Thompson. Professor Minson, Dr Pretty, the Registrary and the University Draftsman were also present.

Professor David Ford and Dr Richard Rex (Faculty of Divinity) attended for item B1.

Apologies for absence were received from Professor Cliff and Professor Leslie.

The Vice-Chancellor expressed thanks to Professor McKendrick, who was attending for her last meeting, for her contribution to the work of the Board. She welcomed Mr Bagshaw and Mr Bortrick to their first meeting as undergraduate and postgraduate student members respectively.

UNRESERVED BUSINESS

Part A - Preliminary and Legislative

A1. Declarations of interest

No such declarations were made.

A2. Minutes

The Minutes of the meeting of the Board held on 4 June 2008 were approved and signed (Paper No. 08.A.19).

The Board noted that a General Board circular (06/08), issued on 27 June 2008, was approved on Friday 4 July 2008.

A3. Report by the Vice-Chancellor

The Vice-Chancellor commented on the recent HEFCE Assurance visit.

A4. Report of the General Board on a Faculty of Politics, Psychology, Sociology, and International Studies (PPSIS)

The Board received a Draft Report proposing the establishment of a Faculty to be formed from the Department of Politics, the Centre for International Studies, the Department of Social and Developmental Psychology, the Department of Sociology and the Centre for Family Research (Paper No. 08.A.20).

After Professor Bell and Professor Brown had spoken, the Board agreed to approve the Report and they signed it.

A5. Cambridge Programme for Industry: Notice

The Board received a draft Notice incorporating the Cambridge Programme for Industry as an institution within the School of Technology, together with supporting papers (Paper No. 08.A.21).

After Professor White and Professor Friend had spoken, the Board agreed to approve the Notice.

A6. David and Elaine Potter Fund for Human Rights and Governance: Notice and Grace

The Board received a draft Notice and Grace establishing the David and Elaine Potter Fund for Human Rights and Governance (Paper No. 08.A.22).

The Board agreed to approve the Notice.

Part B - Principal Business:

B1. Review of Teaching and Learning Support Services Minute 07.10.B1

The Board were reminded that at their meeting on 10 October 2007 they had agreed to set up a committee to review teaching and learning support services in the University and they received the Report of the Committee (Paper No. 08.B.16).

Professor McKendrick introduced the Report and commented on the principal recommendations contained within it. The following were amongst the substantive points in the subsequent discussion:

 The proposed development of the University Librarian's role in teaching and learning support should not be at the expense of the Library's role in supporting research, particularly in the arts and humanities.

- While noting the loss of autonomy arising from the proposed coordination of journal subscriptions, Professor Friend welcomed the clear recommendations for action contained within the report.
- Professor Hunter commented on the need for careful implementation of the governance recommendations so as to safeguard the level of service provided by Faculty and Departmental libraries.
- There was an opportunity for those libraries which were embedded in Faculties and Departments to benefit from interaction at certain levels.
- Further work was needed in relation to the role of the University Computing Service in pedagogy.
- The creation of a single supervisory body, incorporating the function of the Library Syndicate and the Board's Committee on Libraries, was strongly supported.

The Board agreed to approve, in principle, the recommendations as set out in Chapter 6, and to consult with the authorities concerned on the detailed implementation of them. The Board agreed to receive proposals for an implementation steering group at their next meeting.

B2. Cambridge Interfaith Programme progress report Minutes 06.01.C1, 06.03.A2, 06.05.C1, 07.07.B4

The Board were reminded that at their meeting on 11 January 2006 they had received a proposal from the Committee of Management for the Cambridge Interfaith Programme (CIP) concerning the possible development of a Centre in London. The Board had received an oral progress report at their meeting on 8 March 2006 and further written reports at their meetings on 10 May 2006 and 11 July 2007.

The Board received copies of the following papers (Paper No. 08.B.17):

- Cambridge Inter-Faith Programme: Feasibility Study Report
- Letter, dated 20 June 2008, from the Secretary of the School of Arts and Humanities
- Extract from the Minutes of the Faculty Board of Divinity held on 22 Many 2008
- Summary paper by the Secretary.

The Secretary reminded the Board of their main concerns in their previous discussions, which had centred around the extent of the University's responsibility for the proposed London Centre and the need to avoid encroaching on the activities of London HEIs.

Professor David Ford and Dr Rex responded to questions about the broader engagement of the Faculty with CIP and the scope for developing the London Centre in a partnership with a major London-based institution. In particular the Board were concerned that the success of the programme should not depend solely on Professor Ford.

With regard to the London Centre, the Board reiterated their concern about the possible risks to the University, which might, however, be lessened if the development was pursued as a partnership. In the course of discussion Professor Hunter noted that the initiative was intellectually promising, and drew attention to the possibility of an initial phase for the London Centre.

The Board agreed to approve the propositions in Section A of the Secretary's paper. With regard to the London Centre the Board agreed that the Officers should continue discussions with the Coexist Foundation according to the principles set out in Section B of the Secretary's summary paper and, subject to (a) ensuring that there should be clear evidence of the independence of the governance arrangements for the proposed London Centre from the University and (b) the addition of an additional criterion to indicate the Board's very strong preference for the collaboration to involve an institutional partner, or partners, in London able to provide complementary skills and expertise to sustain the long-term success of the Centre. The Board agreed to receive a further report in the Michaelmas Term.

B3. Proposal to the Qatar Foundation

The Board received a paper from the Pro-Vice-Chancellor (Research), together with a copy of this proposal (Paper No. 08.B.18).

Dr Pretty noted that representatives of the Qatar Foundation would shortly be visiting the University and that it was therefore important that the Board's position on the proposal was clear. Professor White spoke in strong support of the proposal. During the discussion, the need for continuing consultation with other Schools, namely the School of the Biological Sciences and the Clinical School, was noted. In particular, the Board endorsed Professor Sissons' observation, in relation to the clinical aspects, that the proposal should not make undertakings that cannot be delivered.

The Board agreed to concur with the proposal (and the proposed name of the Cambridge Qatar Institute), subject to clarification and amendment in the light of their discussion.

B4. Draft General Board Work plan for 2008-09

The Board received a draft work plan for 2008-09, drawn up by the officers (Paper No. 08.B.19).

After members had been invited to send comments on the draft to the Secretary, the Board agreed to receive a further draft at their next meeting.

Part C - Other substantive business:

C1. Education Committee

The Minutes of a meeting of this Committee held on 2 July 2008 were received (Paper No. 08.C.29).

In relation to Minute 3.6, concerning the Learning and Teaching Review of the Department of History of Art, Professor McKendrick drew attention to the key recommendations of the Review, in particular recommendation 4.3 regarding the Department's relationship with the Fitzwilliam Museum. In this connection Professor Hunter emphasised the need to avoid disturbing the arrangements for the Faculty of Architecture and History of Art.

In relation to Minute 3.9, concerning the Institute of Continuing Education: Training Course for Imams, Professor McKendrick noted that the governmental departments concerned had encouraged a revised proposal for the training course to be offered for three years. The Board agreed to approve the proposal subject to the conditions set out by the Education Committee and subject also to a commitment for one year in the first instance.

Professor McKendrick also drew attention to Minute 3.7, concerning the Judge Business School: proposal for an Executive MBA programme, and to Minute 4.3, concerning NST Part III History and Philosophy of Science.

Subject to what is said above, the Board approved the recommendations in the Minutes.

C2. Human Resources Committee

The Minutes of a meeting of this Committee held on 19 June 2008 were received, together with the University Retirement Policy (Paper Nos. 08.C.30 and 30a respectively).

The Board, for their part, approved the recommendations in the Minutes.

C3. Undergraduate Admissions Committee

The Minutes of a meeting of this Committee held on 30 June 2008 were received (Paper No. 08.C.31).

The Board approved the recommendations in the Minutes.

C4. Research Policy Committee

The Minutes of a meeting of this Committee held on 12 June 2008 were received (Paper No. 08.C.32).

The Board approved the recommendations in the Minutes.

C5. Planning and Resources Committee

The Minutes of a meeting of this Committee held on 18 June 2008 were received (Paper No. 08.C.33).

The Board, for their part, approved the recommendations in the Minutes.

C6. General Board Committee on Libraries

The Minutes of a meeting of this Committee held on 28 May 2008 were received (Paper No. 08.C.34).

The Board approved the recommendations in the Minutes.

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Annual Report of the General Board to the Council for the academical year 2007–08

1. Introduction

- 1.1. The General Board present this Annual Report to the Council summarizing their activities during the academical year 2007–08. Major tasks of great importance to the University completed in the course of the year include:
 - The satisfactory outcome to the Institutional Audit by the national Quality Assurance Agency (QAA);
 - The completion of the Board's review of Teaching and Learning Support Services;
 - The completion and submission of the University's return to the 2008 Research Assessment Exercise (RAE).
- 1.2. Turning to the institutions under the Board's supervision, the Board proposed the establishment of the HRH Prince Alwaleed Bin Talal Centre of Islamic Studies, supported by a most generous gift of £8m from His Royal Highness. The amalgamation of the Department of Chemical Engineering and the Institute of Biotechnology, forming a unified Department of Chemical Engineering and Biotechnology, was approved. The Cambridge Programme for Industry was incorporated as an institute with the School of Technology.
- 1.3. During the course of the year the Board approved the adoption of Standing Orders; arrangements for Visiting Committees across the University; student representation on the Councils of the Schools; and guidelines for the appointment of Heads of Schools.
- 2. Internal and national arrangements for quality assurance and enhancement
- 2.1 The University's educational provision was subject to a QAA Institutional Audit in February 2008. The QAA judged that'confidence can reasonably be placed in the soundness of the University's current and likely future management of the academic standards of its awards and the management of the guality of

the learning opportunities available to students'. The audit report highlighted the following areas of good practice:

- the work of the Senior Tutors' Committee;
- the Board's learning and teaching review process;
- · the quality of Cambridge's published information; and
- the range of admissions-related initiatives, especially those promoting widening participation.

In the light of the report's recommendations the Board's Education Committee is developing a framework for conversion of the credit-bearing certificates and diplomas currently awarded by the Institute of Continuing Education into University. awards, with a view to the Board reporting to the Regent House in the Michaelmas Term 2008. The Report will also encompass awards offered by other University institutions. The Board, through their Education Committee, will be looking at ways to develop quality statements to gather qualitative evidence and good practice from local reviews of courses. The Board have agreed that all postgraduates who teach should receive appropriate training. The full audit report is available at the QAA website (http:// www.qaa.ac.uk/reviews/reports/instIndex.asp.

- 2.2. A number of the University's teaching programmes are subject to scrutiny by professional statutory and regulatory bodies. During the year the Board were pleased to note the positive reports on aspects of the University's provision from: the General Medical Council, the Engineering Accreditation Board, European Quality Improvement Systems (Judge Business School), the British Computer Society, and the Institution of Engineering and Technology.
- 2.3. The Board's Learning and Teaching Reviews are now an established part of the University's quality assurance arrangements, and were commended by the QAA as 'comprehensive in scope and fit for purpose. The following institutions were reviewed in 2007–08:

- The Decartments of Frontecture History of Artiand Physicians, Development and Neuroscience the Radulfes of Dascids Economics and Archaeciag, and Archaeciag, and Archaeciag, and Archaeciag, and John of against the Reports of the recommendations are no right matter than forward the Departments of Biochemistry. Chemical Engineering, Geography, Doology, and the Scott Polar Research Institute, the Institute of Continuing Education, and the Faculties of Divinity. Education, and Social and Political Sciences. The Board have commissioned a Strategic Review of the Institute of Continuing Education to report by January 2009.
- 2.4. Part of the publicly available data about universities is the National Student Survey (NSS). The Board recognize the importance accorded to the Survey by Government and the Higher Education Funding Council for England (HEFCE) in allowing potential applicants to make comparisons between institutions via the Unistats website, as well as being used in league tables. Following extensive discussions, Cambridge University Students Union (CUSU) altered their stance on the Survey and, for the first time since its inception in 2004, the response rate from Cambridge final-year undergraduates exceeded the threshold (50%) for publication of university-wide data. The results of the 2008 survey were published on the Unistats website (www.hero.ac.uk/uk/inside_he/education_quality_and_ standards/unistats.cfm) in September. The Education Committee has access to a more detailed analysis of the data which will be reviewed in the Michaelmas Term 2008.

3. Teaching, learning, and assessment

- 3.1. The Board set up a Review Committee in October 2007 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 principal recommendations of the report concerned:
 - (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

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- A the formation of a new object the Teaching and Learning Services Steering Group (TESSG) responsible for beday pays support recoming to the Education Committee I for bestign and the information Strategy, and Services Sungitistes in relation to (Tistrategy), and
- (v) the role of the University Computing Service in pedagogy to be the subject of future review. 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.
- 3.2. During 2007, the Education Committee consulted faculty Boards and other authorities on a number of issues relating to the structure of the undergraduate Tripos. As a result, a draft consultative Report is being prepared for publication in 2009, proposing that the award of the B.A. Honours Degree should require candidates to have passed a Part II examination. This move was endorsed by the QAA in its audit report, as necessary to ensure that the Cambridge B.A. is consistent with the Qualifications Framework for Higher Education.

Degrees, courses, and examinations

- 4.1. The Board approved numerous proposals for the revision of teaching programmes. Amongst the most significant changes were the creation of a new Asian and Middle Eastern Studies Tripos to replace the Oriental Studies Tripos for new students in October 2008; the introduction of a full three-year Linguistics Tripos to commence in October 2010; and the introduction of an Executive M.B.A. course from October 2009.
- 4.2. The Social and Political Sciences Tripos was re-named Politics, Psychology, and Sociology for candidates entering in October 2008, to clarify the range of disciplines offered in the Tripos particularly for undergraduate applicants. New papers were created in the Modern and Medieval Languages Tripos to introduce students to Modern Greek and to Ukrainian. A new undergraduate student exchange scheme was established between Engineering and the Ecole Centrale Paris.
- 4.3. The Board approved the withdrawal of the Diploma in Computer Science and Part II (General) of the Computer Science Tripos, and the indefinite suspension of the Double Maîtrise option in the Law Tripos from 2009.

AH Cheur MiPhill courses were appropriation Enumbrants. Soveride Modern South Asian Studies, and Advanced Computer Solenite in addition, the Board approved the conversion of the MiSt. In Latin American Studies to the first cartifums MARK Course.

5. Undergraduate admissions

- 5.1 In a partion to the undergraduate Admissions Committees ongoing role in itassing with the Colleges in monitoring admissions numbers, and reviewing admissions targets, procedure, and practice, it has given particular attention to several areas.
- 5.2 On the recommendation of the Committee, in October 2007, the Board endorsed a proposal that the general examination requirements for matriculation be replaced with subject-specific requirements; the Grace was approved on 23 April 2008.
- 5.3. The Committee also endorsed a refocused Widening Participation Strategy for 2007–10, and a formal protocol was drawn up to assist with closer monitoring of admissions numbers.
- 5.4. In March 2008, a proposal to establish a new post within the Unified Administrative Service (UAS), of Director of Undergraduate Recruitment, was approved. One of the Director's first tasks, in liaison with the Director of Admissions for the Colleges, will be the effective deployment of a most welcome £4m benefaction from Mr Harvey McGrath to support the University's recruitment and schools liaison activities. The increase in the proportion of students admitted from the state education sector to 59% from the start of the 2008–09 academical year reflects much hard work and commitment throughout the collegiate University to recruitment and widening participation activities.

6. Graduate education

6.1. The Steering Committee, established by the Board to implement the Action Plan arising from the Board's Review of Graduate Education and chaired by the Pro-Vice-Chancellor (Research), has taken forward those recommendations which commanded sufficient support across the University and amongst the intercollegiate bodies. It is overseeing two pilot projects (in the Department of Physics and the Graduate School of Life Sciences) testing the advantages (or otherwise) of devolution of admissions and other aspects of graduate student administration. The Steering Committee has also established a group to review the procedures for dealing with student examination appeals and

complete trained well as a group on graduate student funding attangements. Got a progress has been made in refocusing the agenda of the épard of Braduate Studies to enable to to concentrate on strategion factors with all School show repleter ted on that Spard

7. International matters

- The Board considered proposals for numerous international collaborations, among their schemes for research capacity development with the National University of Singapore and the King Abdullah University of Science and Technology (KAUST). They noted and endorsed the memoranda of understanding and research collaborations in India which underpinned the Vice-Chancellor's visit to India in January and advised on possible similar activity in the Gulf. Such proposals require careful consideration of both the opportunities for, and reputation risks to, the University.
- 7.2. Through the work of the International Office they approved new funding from the Banco Santander both for students from the Iberian Peninsula and Latin-America and for students studying those areas. Similarly they noted the increase in activity under the Erasmus Scherne and the International Summer Programmes through the International Alliance of Research Universities (IARU) as part of increased student mobility. The Board expect to give further consideration to International Strategy in the coming year.

8. University finance and planning

- 8.1. The Board, through the Planning and Resources Committee, were closely engaged in the consideration of the annual budget and the financial planning process. The next planning round will reinforce the devolution of budgets to Schools, with clear slightly enhanced potential expenditure envelopes, within which Schools (and others) will be expected to manage pay costs. With the anticipated level of pay increase due in October 2008 under the most recent national pay agreement that may be difficult but is expected to be achievable.
- 8.2. The financial representation of School Plans is rooted in plans developed by Schools and other bodies. The Board take the opportunity annually to review the School Plans, this year based on summaries developed by Schools within a common format.

9. Capital programme

1. The Birard are engaged in discussions about a strategic to optimize the use of the capital funds made available of mBRIS for the deviction 2008—11 in relation to poth adapted for each and the revisions of the university sufficient of an

10. Establishment of Professorships

- 10 As a result of generous benefactions raised through the 800th Campaign, or other external funds, the Board proposed the establishment of the following Professorships:
 - the Alborada Professorship of Equine and Farm Animal Science
 - · a Professorship of Cancer Therapeutics
 - · the A.G. Leventis Professorship of Greek Culture
- 10.2. The following Professorships were established with the support of prestigious competitive awards from the Wellcome Trust and the Royal Society:
 - · a Professorship of Protein Crystallography
 - · a Professorship of Immunology and Cell Biology
 - · a Professorship of Experimental Neuroscience
 - · a Professorship of Astronomy
- 10.3. In addition, the following Professorships were established supported on general University funds by the reallocation of recurrent funding within the Schools concerned:
 - · a Professorship of Education
 - a Professorship of Macroeconomics
 - a Professorship of Health Services Research
 - a Professorship of Nuclear Medicine

11. Research policy and the Research Assessment Exercise (RAE)

11.1. The University's 2008 RAE return was submitted successfully three weeks after the HEFCE census date of 31 October 2007 and one week before the official deadline. The return comprised 47 submissions from 59 Departments covering the research outputs and achievements of 2,289 staff assessed by Faculty and Departmental RAE Committees as fulfilling both HEFCE and their own academic criteria. The Board's RAE team handled centrally as much of the work as possible, but Faculty and Departmental staff with designated RAE responsibilities also faced a very heavy burden. The Board are grateful to these staff for their invaluable support. The ensuing audit by HEFCE has concentrated mainly on eligibility for inclusion with particular reference to non-University staff included on the basis of their close affiliation with a Faculty or Department. Across the whole University submission

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- 73.2 The Spandiate contractined, no weller, that for most STEM subjects is bence, technology, angineering and medicine: the results of the FAE 2008 will only fully inform the HEFCE block grant for two financial ears. This follows HEFCE's announcement in May 2008 that the RAE will be replaced by a metrics-based. Research-Excellence Framework (FEF) involving the use of citation indicators, wherever these are readily available, to inform assessments. Within the proposed REF programme, HEFCE are to hold a bibliometrics assessment exercise in STEM subjects in 2010; the results will influence funding allocations in these areas from 2011–12. The 2010 exercise is to be followed by a full assessment exercise for all subjects in 2012-13 in which quantitative indicators will play a major role but with light-touch peer review incorporated for those subjects where citation analysis is not appropriate.
- 11.3. HEFCE have identified their broad approach to constructing REF citation indicators but many details are unresolved. The University is one of twenty-two Higher Education Institutions participating in a pilot to support the development of the new arrangements. Although the pilot is an unwelcome burden in a very restricted timescale the experience gained should be of considerable benefit to the University in its planning for the 2010 and subsequent exercises.
- 11.4. The Board are advised on policy issues arising from the funding and conduct of research within the University by their Research Policy Committee. As well as reviewing the preparations for and execution of the RAE in 2008 and monitoring developments for the REF, the Committee received reports on the progress on strategic initiatives (such as Neuroscience, Conservation, Infectious Disease, Energy). The Committee also took the opportunity to review the Service Plan and Goals of the Research Services Division overall and in particular the operation of the Partnership Group.
- 11.5. Standing items for the Committee include reviewing reports and analysis on research applications, awards, and expenditure, the impact of Full Economic Costing (FEC), and the progress of specific interdisciplinary projects and major bids. Cambridge Enterprise reported on its progress and presented its business plan. Members who are associated with funding bodies were invited to update the Committee on their funding

- Cody a program mal Reports were received about the Research Councillur. A Sukt, was tier bittle delegation wing wated the University from the Engineering and Physics Sciences Research Council EASECY.
- 11.6 Using 2007–03 a small withing group metitolidentify the stoca of choing and costing issues related to industrial research. This work continues and the group with eport in 2008–09. The Continues also considered the processiby which imited number calls for proposal were put forward by the University.
- 11.7 Following a recommendation from the Research Policy Committee, the Board have consulted Councils of Schools on the need for a University Research Ethics Committee which would be responsible for codifying a common University research ethics policy and for maintaining and overseeing the work of established local committees. This proposal has received unanimous support and the Board will establish this Committee in the near future.

12. Human Resources (HR)

- 12.1. The Personnel Committee, a Joint Committee of the Council and the Board, was renamed the Human Resources Committee. Members of the Board were closely involved in consultations which had led to a major restructuring of the Human Resources Division to ensure the strengthening of the HR service, through the provision of a dedicated HR team to each School and the UAS/Non School Institutions (7 in total), thus allowing greater accessibility to HR expertise. In addition the review has also resulted in the approval of a consolidated HR Business Service Unit and dedicated strategic support and policy development area.
- 12.2 Policies on Disability Equality and Gender Equality were approved by the University. The Equality and Diversity area remained focused on developing the University's equality schemes and promoting best practice in all areas, in particular through compliance and the use of impact assessments to assess recruitment of staff and students. The staff development function was renamed the Centre for Personal and Professional Development (CPPD) and continues to provide training programmes (both practical and academic) across the University.
- 12.3. Training and development opportunities for academic and research staff and for graduate students have continued to grow, often in partnership, with a variety of contributors drawn from across the Collegiate University. 2007–08 saw the successful pilots of programmes for new and aspiring Principal Investigators and a Teaching Associates Programme', accredited by the Higher Education Academy and providing a nationally recognized qualification in

- teaching and learling in higher education for graduate students and early-career post-ocotd avirasearchers. This Graduate Development Programme event oufact strengthaning refactor over the Schools Faculties and Decartments.
- 13.4 (Sovernance and oversight arrangement) were reviewed during the year and an Equality and Diversity Committee established which held its maugura, meeting in July 2002. The objectives of the Committee and uded recommending and overseeing the strategic direction and implementation of equality and diversity policies and practices within the University.
- 12.5. The University's policy on the retention of staff after retirement was reviewed in the light of the experience of two cycles of operation and a revised document approved by the Board. Work on the revision of Statute U, following a consultation exercise in 2007–08, will be carried forward in the coming year.

13. Health and safety

13.1. The University continued to attract attention from the enforcement authorities and regulators due to its prominence in the higher education field. A measure of how successfully safety issues were managed by the University with the support of the Health and Safety Division (the 'Safety Office') is the continued low level of intervention by all of the statutory enforcement agencies compared to a relatively high level of inspection. This continues to be achieved through the comprehensive provision of guidance and policy documents (including web-based support), accredited training, internal auditing, professional advice, and ongoing support by Safety Office staff. The ongoing re-structuring of the Safety Office will involve greater de-centralization of safety management, providing more 'risk-focused' support at School and Department/ Institution level to enable the University to maintain legislative baselines and robust systems for health and safety management as part of the overall risk management process.

14. Libraries

14.1. The Board's Committee on Libraries has noted the continuing progress of the scheme for the coordinations of journals, which now encompasses all Schools except the School of Arts and Humanities, and that discussions are proceeding about the duplication of journals between the Colleges and between the Colleges and the University. It has however registered its concern that funding for the scheme has not increased at a rate sufficient to permit new acquisitions

14.2 (Coner areas of advancement divertine pasticear include the establishment of the Librar and Deveropment Davas as a cannual event and the increasing importance of the eBocks project.

143 The Committee has maintained its rolling programme.

of visits to Faculty and Departments, ill praces in the university and is bleased to report continuing evidence that a good service wideling crowbed.

12 November 2008

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A R Bagshaw Liich Sambos

Graeme Barker

John Beil^{*} Tom Blunde i W. Bortrick

W. Bortrick William Brown Philip Ford Richard Friend Fichard Hunter

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Annual Reports of the Council and the General Board, and Financial Statements of University for 2007-08: Notice

16 March 2009

The Council has considered the remarks made at the Discussion held on 20 January 2009 of the Annual Report of the Council to the University, the Annual Report of the General Board to the Council, and the Reports and Financial Statements, all for the year 2007-08 (see *Reporter*, p. 450).

Annual Report of the Council

Reference was made in the Discussion to the revision of the Statutes and Ordinances. This is already in course: a process of revision of Statute U is already being undertaken. A process of consolidation of Orders (approved Graces which are of continuing effect and which are not in the form of ordinances) is in course. When these processes are complete it will be possible to consider the next stage or stages. The Council at present envisages that a scoping process will be initiated later in 2009, probably in the Michaelmas Term, and that a carefully conducted process of revision will then be undertaken. It would be wrong to underestimate the work which will be necessary.

Professor G. R. Evans referred to the Consultative Committee of the Council. This was a former statutory committee of the Council and advisory to it, including external members, established following the Report of the Wass Syndicate. It was, however, abolished by <u>Grace 1 of 9 February 2005</u> and by Order in Council dated <u>14 December 2005</u>, as indicated in successive editions of the Statutes (see *Statutes and Ordinances*, 2008, p. 9, former sections 6 and 7 of Statute A, V).

Dr M. R. Clark, a member of the Council until 31 December 2008, referred to the steps by which the current White Paper about Statute U (which was the subject of Discussion on 3 February 2009, to which the Council will reply later) was arrived at. The Council and the General Board had ample opportunities to discuss the proposals in the White Paper. These proposals arose from widespread consultation about an initial Green Paper, issued in January 2008 (Reporter, 2007-08, p. 404) and discussed by the Council at a strategic meeting in March 2008. After further work, the Council and General Board held a joint informal meeting on 22 October 2008 to discuss the proposals for the reform of Statute U, to which Heads of Schools were also invited. After further consideration by a working party, the General Board and the Council then considered formally the question of how to present the proposals from the working party to the University at meetings on 12 and 24 November 2008 respectively. As a result, the Council agreed to publish the White Paper as a next stage in a process of consideration of these important matters by the University. Thus the White Paper, published on 4 December 2008, was for discussion and consultation in the University. After the end of the period of consultation, 13 March 2009, the working party will be considering if and how the proposals in the White Paper need amendment before submitting proposals to the General Board and the Council for publication as a Report, proposing legislation, for discussion and consideration under the University's normal legislative procedures.

The Registrary has considered the question of the participation of individual members of the working party in framing the proposals which came forward to the Council for publication from the record of its meetings and communications between its members. The record confirms that all members of the working party were closely involved in the preparation of the proposals presented and that all concurred with the final form of what was published in the White Paper.

Reference was made to the June 2008 HEFCE Assurance Visit and the report of this visit. The report is published on $\underline{p.591}$ of this issue of the *Reporter*.

Annual Report of the General Board

Comments were made about the Senior Academic Promotions process, in particular the funding for promotions. The current scheme for the consideration of senior academic promotions was approved by the Regent House in 2002-03 (*Reporter*, 2002-03, p. 98). The Report stated (para 5.16) that the number of promotions it will be possible to approve in a particular year might be influenced by the University's general financial situation. It is not the case, as asserted by Dr N. J. Gay, that in setting the financial provision for promotions no account is taken of retirements. The General Board receive advice on the appropriate level of provision from the Resource Management Committee,

Reporter 18/03/09:

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which takes into account a range of information, including retirements and academic staff turnover more generally, which contribute to overall expenditure on pay. Having taken those factors into account in setting the level of available funding, it is appropriate to refer to the gross additional cost of the promotions stated in the Report setting out the Board's recommendations. Dr Gay contrasts that additional cost of promotions with the surplus returned in 2007-08 by the full University (including Cambridge Assessment and Cambridge University Press). As the Financial Review, which prefaces the Financial Statements for 2007-08 (*Reporter*, p. 230), makes clear, that surplus is largely attributable to Cambridge Assessment, whereas the operating surplus (£5m) on the University's teaching and research activities represented less than 1% of turnover. A mechanism is already in place for the regular transfer of surplus from Cambridge Assessment to the Chest and thus to benefit the University's teaching and learning activities. In the face of the rising costs, and uncertainties about income, referred to in the penultimate paragraph of the Financial Review, it would not be realistic, in the Board's view, for the cost of academic promotions to be immune from the system of budgeting and financial control that applies to all other areas of Chest expenditure. The Council concurs in this judgement.

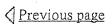
The Council has noted the comments about the election of student members of the Councils of the Schools and has referred them to the General Board for further consideration.

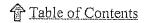
Comments were made about the review of teaching and learning support services on which the Board have now received responses from a wide range of bodies and groups, including Faculty Boards, the Councils of the Schools, and the Library Syndicate. Those responses, together with experience elsewhere, will be taken into account in the plementation of the proposals. Where such implementation requires consideration by the Regent House, or approval by Grace, the necessary propositions will be put forward in the normal way.

Reports and Financial Statements

The Council has noted the comments made by the Chairman of the Board of Scrutiny. Remarks made about the Senior Academic Promotions process are referred to above.

The Council is submitting a Grace for the approval of the Annual Report (which includes the General Board's Report) (Grace 1, p. 601).





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REPORT OF DISCUSSION

Tuesday, 7 July 2009

A Discussion was held in the Senate-House. Deputy Vice-Chancellor Professor John Rallison was presiding, with the Registrary's deputy, two Pro-Proctors, and thirty-three other persons present.

The following Reports were discussed:

Report of the General Board, dated 3 June 2009, on the establishment of a Professorship of Musical Performance Studies (Reporter, p. 857).

No remarks were made on this Report.

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

Mr J. P. KING (read by Mr J. WARBRICK):

Deputy Vice-Chancellor, my name is Julian King, 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. 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

It is likely that this happened because of the commonly identified problem of poor communication within the University.

Clearly the General Board could not have been aware prior to receiving these responses that the consultation was not we enough. I suspect that due to perceived time pressures the decision was taken to press ahead with the implementation, rather than to check its conclusions.

The observation that there were significant failings in the process seems to be well supported by the documented evidence.³ It would seem appropriate that steps are taken to rectify these failings, not just for this particular process but for future processes. Indeed, given these failings, can anyone be truly surprised that the government is pressing us to reform our governance? If we wish to avoid ill-considered outside measures then surely we must take measured steps to change ourselves.

Thus I urge the General Board to issue a statement of intent that they will adhere to a much more open practice with regards major decisions in the future. Specifically, that they will always publish findings of future reviews in the *Reporter*, hopefully followed by a response to this by the General Board shortly afterwards. It would seem appropriate that the Council issued a parallel statement of intent.

Furthermore it would seem appropriate that the General Board and Council make all papers that could be requested under the Freedom of Information Act publicly available as a matter of course.

As for the specific matter addressed by this report, I am confident that this will be dealt with appropriately since the General Board, at the very least, will bring a Grace to the Regent House as per their statement of intent in this regard. 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?

Mr N. M. MACLAREN (read by Mr J. WARBRICK):

Mr Deputy Vice-Chancellor, the events that forced us to call for this Discussion are truly baffling, but not as baffling as the way this Discussion has been arranged. None of the report involves confidential matters, or even potentially embarrassing material. Why was it not published as a draft report for internal University access when the Discussion was scheduled?

This ridiculous level of secrecy has led to some serious flaws in the report, of which I shall mention just one. It is an omission of a very important area of pedagogic support, probably because the Committee and those it contacted did not think of it, and most of the people who might have reminded them did not see it.

is common for research students and members of staff to encounter problems that need the academic skills of other disciplines, at a level that is taught in a Tripos, diploma or similar. Many of these are mathematical in nature, especially statistics, advanced algebra, numerical analysis, and several aspects of computer science. In some cases, a consultancy with an expert will be enough but, in others, the person needs to develop a solid understanding of the area (i.e. not just use formulae).

The provision of such support is clearly something that falls within the Terms of Reference of this report. Before considering the report, let me describe how it has been provided in the past.

The first step is clearly a student's supervisor or colleagues within the same Department. However, that often fails because there is nobody with both the relevant skills and the time and inclination to help out. This is particularly common when the person is pursuing an innovative line of research - surely something that we should be encouraging.

Beyond that, the support has been provided from two sources. One is to find a helpful expert in another Department, who is unlikely to get any credit for the effort involved. A few people have formally taken on such tasks, such as Dr Altham of the Statistical Laboratory and Dr King of the Computer Laboratory, but not many; the former has retired and the latter is about to. The second is the Computing Service, which may surprise some people.

From about 1970 to 1985, the Computing Service provided formal advice on and teaching of statistical and numerical analysis, some other branches of mathematics, and what was later to become computer science; several ple were appointed specifically to provide such support. For various reasons, the service was reduced, but we have never entirely stopped providing it on a 'best efforts' basis, and often uncredited.

So much for the history and background. What does the report say? It does not seem to mention this area, and the Committee seems to be unaware of this pedagogic requirement.

Section 3.3 paragraph 1 quotes the Language Centre's mission, which includes this, but says no more. Section 3.2 paragraph 1, section 5.2 paragraph 4 and section 6 point (7) refer to the Computing Service only as a provider of infrastructure and courses on software. Section 3.4 paragraphs 1 and 2 state that CARET's aim and function are in the support of teaching, not its provision, and section 6 point (4) recommends its transfer to the University Library. Section 3.5 paragraph 2 and section 6 point (8) state that the Human Resources Division has some teams supporting this area.

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. There is no mention anywhere of how teaching and advice at the level I am referring to would be provided, or even which organization would take responsibility for it.

I sincerely hope that the General Board do not consider that research students and members of staff should be able to teach themselves other disciplines to degree level or above without assistance. If that were reasonable, we could dispense with most of our teaching and simply tell the students to learn what they need to!

It is fairly obvious that CARET and the Human Resources Division have a role in enabling teaching, learning, and

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F Comments on the report were invited from Councils of Schools, University Librarian, Director of the Universit, Computing Service, Director of the Language Centre, Director of CARET, Senior Tutors' Committee, Education Committee, Committee on Libraries, ISSS, See https://www.whatdotheyknow.com/request/1/160/response/30945/attach/3/FOI-2009-569-20-2018G2-pdf

³ A timeline to put most of the facts into context can be found at: <u>http://www-tossup.csx.cum.ac.ult/~mbb10/TLSS analysis_of_responses_to_report.html</u>

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advice, but will not have the specialist skills to provide it themselves. Is the intention to outsource such support? And, if so, to whom? If we can improve our services by outsourcing graduate and staff leve! teaching and advice on our own disciplines to an external body, why don't we do that for all of our teaching?

So what should be done about such pedagogic support? There are many reasonable options, and the General Board should take action to ensure that they are considered in a revised report.

Mrs A. N. KING:

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.

On budget issues, it has been suggested that the budget of the UL is large, and some could perhaps be diverted for the Language Centre initiatives. There would, however, be no guarantee that this would happen, as the UL has different funding priorities and is unlikely, in our thinking, to be inclined to divert funds to the Language Centre.

management issues, it has also been argued that having the Head of the University Library as line manager of the Language Centre would give the Language Centre a voice, albeit indirect, on senior decision-making bodies such as the Resource Management Committee. However, there is no reason why the UL, with its main commitment to information provision, would have any particular sympathy with, or understanding of, the pedagogic function of the Language Centre.

We do have a position, we're not just against - we have ideas in the Language Centre: The Language Centre instead favours the formation of a Directorate of Teaching and Learning, which, like academic Schools, would have a Head, a Council, and a budget. The Directorate should embrace all teaching and learning support services, and the Head would be specifically asked to ensure that they worked together to ensure optimal delivery of support services.

The review raised a number of points regarding the Language Centre which may give a misleading impression and we feel that it is essential to rebut these.

Comment 1:

... it has not so far been possible to develop a sustainable funding model which can be extended to cover a large range of languages

Let me put that in context: we do have online provision for six languages. The online provision has been developed by Language Centre in-house staff, and contract staff, and the funding has been sought and found externally. As it staff, so this comment must be true under any realistic scenario - it will always clearly be impossible to extend face-to-face teaching to cover even a substantial fraction of the 170 languages for which online resource support is offered. There is no way, neither would it be possible, nor would it be effective, to do that. It is certainly true that there is not enough income from the General Board to fund all core posts, and that some are funded on soft money. We do not see this as a point of criticism but rather as evidence of necessary entrepreneurship in the face of funding difficulties.

Comment 2:

The Centre also undertakes activities intended to serve audiences outside the University, and whilst these are invariably worthy, there is a concern that they divert resource from its core purpose

This comment appears to refer mainly to the Junior CULP programme. CULP, for those of you who may not be familiar with it, stands for Cambridge University Language Programme. It is an institution-wide language programme for language learning for local schools, taught on Language Centre premises on a few Saturdays. We would like to stress once more that the non-core activities serve the local community, particularly local schools, on a cash flow neutral basis. Other external activities provide the funding that supports the core activities.

The provision of Junior CULP, which, by the way, is an award-winning programme, appears to us to represent a valuable outreach activity which could be used to defend the University against allegations of elitism.

Furthermore, the Centre's recent successful biddings to become the East of England Regional Language Support Centre for schools and FE Colleges within the DCSF-funded Links into Languages Project, and be a major partner within the Open School for Languages DCSF-funded Project, have again emphasized that the Language Centre's

expertise and experience of supporting teaching and learning have been recognized nationally, and indeed internationally. In addition, the Centre will be raising much needed revenue from these two recent initiatives. I don't think you can be entrepreneurial enough, if you see what I mean.

Comment 3:

There is potential for developing closer links between the UL, CARET, and the Language Centre. CARET could provide the necessary technical services, and the Language Centre continue to develop innovative courses, whilst the UL take on a role overseeing the development of pedagogic support

Our answer? We agree that a closer link with CARET in the provision of online resources could be useful. The UL, however, has no experience in developing new language teaching packages, if this is what is meant by the 'development of pedagogic support'.

Comment 4:

the Centre is struggling to replicate online materials across a large range of languages and it does not have the resources to support service delivery beyond the innovation phase

It is true, we say, that the Language Centre has always relied on attracting external funding to develop its online provision, and the Centre should be congratulated for this, and not hit on the head. That said, the Centre has established an enviable reputation nationally (2007 Dearing Report) and internationally (CUTE Project for teaching English in Chinese universities) as a developer and provider in this field. To date the Language Centre has developed line provision in Chinese, French, Italian, and Spanish. It is updating its German online provision and thanks to both DCSF-funded projects cited above, we will have the necessary funding to develop Arabic and Japanese.

Finally, we note that there is much reservation about the proposal from other University institutions, not least from the UL itself, which states in its 6 November 2008 response to the General Board review (point 5) that:

The Syndicate wishes to record its reservations regarding the reassignment of the Language Centre to the umbrella of the UL. The report lacks evidence as to the existence of any clear synergy between the UL and the Language Centre, either currently or on any easily imaginable future scenario. Concern was expressed that this proposal could be construed as an attempt to deal with an operational issue in the University, rather than the result of strategic thinking about the development of teaching and learning support services.

I have a few more quotations, which I think are extremely revealing. Here are other reservations:

From the response of the School of Arts and Humanities on 28 October 2008:1

General unhappiness among members of the Council concerning the appropriateness of establishing the Language Centre as a sub-department of the UL.

From the response of the Department of Architecture on 3 October 2008:²

hat does not appear to have been considered is the UL's suitability as an organizational umbrella for teaching organizations like the Language Centre ... which works closely with those who use its services. The report acknowledges that 'one of the strengths of the smaller organizations is that they are small, hungry, able to move fast and take risks', but conspicuously fails to show how these qualities would be preserved.

From the response of the Faculty of Asian and Middle Eastern Studies on 3 October 2008:³

The UL does not seem a natural place for the Language Centre, although it does appear right that its activities are better integrated with other teaching support agencies in the University. The relation of the Language Centre and other institutions which provide language teaching, such as FAMES, should also be included as an issue in further discussions.

From the response of the Chairman of the Faculty Board of English on 2 October 2008:⁴

We would support with vigour moves that put the funding of the Language Centre on a more secure long-term basis. However, I am not convinced that in its understandable eagerness to capitalise on the possibilities of electronic, online, and virtual leaning environment initiatives, the Review Committee has kept fully in view the paramount needed to integrate these developments with traditional, face-to-face, interpersonal methods. My own view is that the model developed by the Language Centre, to which the principle of integration is central, is one from which other Faculties and Departments could learn a great deal, even if it is not directly transferable. The Language Centre provides learning opportunities in all languages but not the least important is the language in which students must conduct their everyday academic work. In this respect the Language Centre's programme 'English for Academic Purposes' is of immense significance, in that it provides the live cultural experience without

which their work (and life) cannot flourish.

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.

I http://www.schatdotheyknow.com/request/reports_of_the_implementation_gr#incoming-30945 under FOI-2009-71 (Beckles) pdf

2 ibid.

3 <u>ihid</u>.



5 ibid.

Mr R. J. DOWLING:

Mr Deputy Vice-Chancellor, I am a member of Council but I am speaking here in a personal capacity as a member of the Regent House.

Our story begins in the *Reporter* of 20 February 2008¹ with a Notice from the General Board that it had set up a committee to review teaching and learning support services in the University. The Notice gave terms of reference, membership, and a request for comments.

So far, so good. This is how reviews should be launched.

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.

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.uls/reporter/2007-08/weekly/6103/10.html

- attp://www.ushiin.com.ac.uk/reporter/current/weekly-6/30/2/html

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Dr J. P. MCDERMOTT:

Mr Deputy Vice-Chancellor, my name is Dr Joseph McDermott, 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 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'.

It is not only this rushed and abridged process of decision-making, however, that saddens me. Libraries constitute an educible core of any serious university's facilities, and yet they clearly are not receiving the attention and funding merit from the central administration and this Committee. We all know that the traditional services and functions of libraries around the world are being challenged today by new forms of information technology, databases, and other types of digital information that require funding previously expended solely on printed materials. The University Library, obliged now to purchase electronic versions of materials it had grown accustomed to acquiring free of charge thanks to its status as a copyright library, faces serious financial troubles that refuse to diminish. Instead, however, of taking this critical opportunity to review the University Library's options, and to lay out reasoned policies for dealing with these challenges in the future, the Committee has issued a series of rushed and ill-considered recommendations worthy merely of a government in chaotic decline. In fact, the Library Syndicate has written it a polite reply strongly advising it to reconsider key recommendations about library services, expertise, and book holdings.

At a time when a thoughtful full-scale report on Cambridge University libraries would be welcomed by the academic community at large - when the global position of this University and its library system could thereby be recognized and re-affirmed - we instead have received a report with proposals that, if implemented, will do serious damage to the University Library's ability to function effectively and efficiently for its readers. I strongly urge the Vice-Chancellor to set up a committee that will undertake a far more thoughtful review of the future of the Library's services, the traditional as well as the new, and that will lay out a reasoned policy for their development over the coming century. Otherwise, I fear we will go the way of Oxford and Stanford, universities similarly anxious to use cost and duplications, and yet in the end oblivious of the scorn and opprobrium that have rightly greeted their in-considered and wasteful responses to these universal challenges.

Professor P. F. KORNICKI (read by Professor R. P. GORDON):

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. A few examples out of many will make this clear. The Department of Architecture stated that:

Generally, however, we felt a lack of sympathy with the strategy recommended by Professor Cliff's committee; the Department of History and Philosophy of Science that:

The report takes little account of the important role that Departmental libraries currently play in information provision generally, thereby overlooking a dimension that should be central in planning changes in library provision. It also ignores the benefits associated with Departmental libraries;

and the Department of Engineering that:

The consultation concerning library service provision appears to have had input from the University Library alone, with none from Faculty and Department librarians.

If criticisms like this can be described as 'broad support', then clearly the General Board have mistakenly taken a leaf out of Gordon Brown's book.

Deputy Vice-Chancellor, the matters covered in the report are far too important both to those who provide, and to those who depend upon those services, in other words virtually the whole University, to be treated in the rather cavalier fashion that we have seen. I am not impressed by a kind of consultation that pre-empts criticism by stating that the recommendations have already been approved in principle, or one that attempts to airbrush out the criticisms by describing them as 'broad support'. A major rethink is needed here, otherwise it is clear to me that both teaching learning in this University will suffer, and none of us want that.

Dr S. KEARSEY:

Mr Deputy Vice-Chancellor, the Director is unable to be here this afternoon, but as the Deputy Director I would like to say, on behalf of the University Computing Service, that we welcomed the report on the review of teaching and learning support services last year. We are currently working towards implementing those recommendations pertaining to the Computing Service itself and we are working closely with the University Library to help make further progress in this area.

We would have no objection to the publication of the report, if that were felt to be in the interests of the University. Professor G. R.EVANS (read by Mr M. B. BECKLES):

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.

The way decisions are made

The last century has seen a number of adjustments to the decision-making process. The Wass Syndicate which gave Cambridge its present constitution was not the first body to flag up the problem that democracy is slow and hard to control, and administration (or 'management') is eager to get on and have things decided in the way it wants them decided. The proposals in the unpublished report (and the eagle-eyed will notice the lower-case initial 'r' when this speech is published) are of that sort.

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.

The General Board set up a committee in October 2007, with the apparently vague remit of 'reviewing' 'teaching and learning support services'. Motherhood and apple pie. This got a mention in a Notice in the *Reporter*, though not until February 2008. One wonders whether someone had indeed asked what was going on.

The committee reported, though it did not apparently take evidence from the librarians and library-users who were going to be most affected. The General Board received the report in July 2008 and acted on it, but it did not report to the University about the changes it was now actively taking forward. The General Board approved the recommendations of this report in July 2008 (Minute 08.07.B1). It then, and only then, it seems, asked for comment from various bodies in the University, but still without making the Regent House aware of the proposals. The

opportunity for comment even from the bodies 'consulted' was limited, since the call went out in August 2008, and the deadline set was 7 November 2008, not long into Full Term. The first the Regent House heard was a short section in the General Board's Annual Report for the year published in the *Reporter* of 1 December 2008, where it learnt (still without sight of the report to the General Board) that:

3.1.... The scope of the review principally concerned activities currently supported by the University Library (UL), the University Computing Service (UCS), Language Centre, and the Centre for Applied Research in Educational Technologies (CARET).²

The report has still not been published, but has been made available under the Freedom of Information Act, and may be read online.³

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

rther 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:

Anne has been Deputy Librarian at Cambridge University Library since 2000. Her main professional interests include emerging information technologies, succession planning, change management, and digital preservation.⁵

Enthusiasm in the news coverage because the new Librarian was to be a woman seems to have distracted attention from the change in the remit of the post.

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'; 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 cosed 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.

Perhaps I am being unfair. Perhaps the failure to consult and the lack of transparency have merely been an inadvertent slip on the part of busy officers.

Libraries and learning resources

I turn now to what is proposed, the plan to bring together hitherto distinct areas of provision in a single administrative area. This Cambridge scheme should be read beside the story of the parallel process in Oxford of planning for the future of its libraries, on which the latest announcement appeared in the *Gazette* of 26 June, where potentially very considerable policy decisions about 'learning resources' are likely to be taken just below the surface of the text. 7 So what are the questions?

- 1. Does the Regent House want to go the same way as Oxford and centralize all library services? (further, actually, since there are hints of a wish to try to bring in the College libraries too).
- 2. Does the Regent House want to bring CARET under the control of the University Librarian?
- 3. Does the Regent House want to merge the Language Centre with the University Library? (the available responses to the consultation of 'bodies' suggest that neither the University Library nor the Language Centre itself favours this plan).⁸

- 4. How are these incorporations and amalgamations going to affect the style of library provision?
- 5. And where does all this take us in the matter of the balance to be struck between electronic and paper resources, and rights of access to facilities, in a period when there is a national trend, backed by HEFCE, towards destruction of multiple copies and low-use materials and a move from paper to screen, tables and desks to armchairs, and the concept of a library as social space?

What does the Regent House want, and should it not be asked, in a detailed Report for Discussion explaining what is proposed?

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

Mr M. B. BECKLES:

Mr Deputy Vice-Chancellor, my name is Bruce Beckles. I am one of the members of the Regent House who helped to organize this topic of concern. I am employed within the University Computing Service (UCS), one of the institutions covered by the unpublished report from the Review Committee under discussion today.

I eve there have been a number of issues in the review process and in the handling of the subsequent unpublished report that make it difficult to describe these as 'open' or 'transparent'. I think these will be adequately addressed by others in the course of this Discussion, in particular Professor Evans and my colleague Julian King. I shall therefore say no more about this and turn instead to the contents of the unpublished report itself and its recommendations.

The main thrust of this report concerns library provision, and I hope that there will be a number of librarians and library-users speaking at today's Discussion. They will be better placed than I to comment on library provision in the University and the report's recommendations in this regard. 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.

It also seems strange to me that the report does not consider the role of College libraries in the teaching and learning of the University. When I was an undergraduate (1991-1994), in my subject, Mathematics, my library requirements and those of my fellow subject peers were entirely met by our College library. In addition, anecdotal accounts from fellow undergraduates reading different subjects indicated that the College library was also their primary library resource. Undoubtedly the role of the College library has evolved since then, but it seems unlikely that it would have ceased to be of any importance to the undergraduate teaching of the University. Given that not only does the report fail to consider the role of College libraries, but the Review Committee seemingly did not receive any evidence from Faculty, Departmental or College librarians, it is hard to believe that it has considered this area as thoroughly as is

http://www.udmin.com.ac.uk/reporter/2007-08/weekly/6103-10.html

⁽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.

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: <u>http://www.ox.ac.uk/gazette/2008-9/weekly/260609/notc.htm#5Ref</u>

⁸ http://www.whatdotheyknow.com/request/reports of the implementation_gr#incoming-30945

needed. Perhaps, therefore, now that these inadvertent oversights have been brought to light, this area could be revisited in a revised (and, one hopes, published) report.

Another of the report's principal recommendations is that the Language Centre should become a sub-department of the University Library (UL). As I am not familiar with the services provided by the Language Centre, I shall rely on others to speak in detail about this. However, I note that the report advances no good reasons for such a merger. Further, since neither the UL nor the Language Centre appear to be in favour of this recommendation, it seems perverse to carry it out without, at least, providing convincing arguments as to why the opinions of the institutions most directly concerned should be ignored.

The report also recommends that the Centre for Applied Research in Education Technologies (CARET) should become a sub-department of the UL. I find this also somewhat perverse since the report describes CARET as

a small organisation which meets a need to support innovation; the latter is encouraged in an organisation which is able to respond rapidly to opportunities and is willing to take risks⁵

It is hard to see how the virtues of being a small organization can be preserved by becoming part of a much larger organization. Further, it seems to me that whatever benefit is conferred by embedding CARET within the UL will not come without some associated costs. As a sub-department of the UL, it seems likely that CARET's priorities will, of necessity, be closely aligned with those of the UL. This means that those for whom CARET currently fulfils some need may find that they have to look elsewhere in the future.

Whilst it may well be the case that, on balance, it is better for CARET to be a sub-department of the UL than not, it should be made clear what the likely costs of doing this are, as well as the possible benefits. However, I also share the bemusement of some of those who have commented on this report that it does not even discuss the possibility of placing CARET within the UCS, since even a cursory inspection of these organizations suggests that CARET has more in common with the UCS than with the UL. I also find it curious that this report does not mention the other virtual learning environments (VLEs) in the University that are used in preference to CARET's CamTools offering, such as those used by the School of Clinical Medicine and the Institute of Continuing Education⁶ (particularly in the latter case as the Institute was one of the institutions considered by the Review Committee).

Finally, I would like to turn to what the report has to say about the UCS. It seems more than passing strange that the report considers the UCS's role in teaching and learning support to be almost exclusively the provision of network services and, to a lesser extent, software packages, particularly given that some of our courses are required components of the University's degrees. It also overlooks the fact that many of our courses are specifically designed to cater to the needs of graduate students and new researchers, and that we provide specialist advice and assistance in the area of academic computing (as my colleague Nick Maclaren notes in his remarks). But it is where the report considers our provision of software packages (the Public Workstation Facility (PWF)) that it is most in error in this area.

Section 4.3 of the report (page 11) states that:

98% of undergraduate students now arrive in Cambridge with their own laptops capable in principle of hosting these packages.

(Interestingly, no source is given for this figure, which is perhaps just as well, since reports from the different Colleges have estimated the number of their undergraduates with laptops as varying widely, between 65 per cent and 96 per cent). Based on this figure of 98 per cent, however, the report suggests that, as wireless technology and licence management improve, the PWF will become unnecessary. Unsurprisingly, many reading this report have taken this as an indication that the PWF is to be (or is being) phased out. But this analysis completely overlooks the role of computers in teaching. Even if 100 per cent of students had their own laptops, there would still be a need for classrooms of computers that provided a consistent, coherent environment that course tutors can customize as necessary (e.g. by pre-configuring the application(s) being used during the course). Even those Departments who do not have computer classrooms managed by the UCS, such as Engineering, still need this sort of environment for their teaching, as is shown by their provision of their own computer classrooms similar in function and purpose to the PWF.

It seems clear that this report has not properly understood the role of the UCS in this area. Some may feel that, given that the report recommends that the role of the UCS in pedagogy be reviewed, this is not such a serious problem. However, suppose a review of the role of the UCS in pedagogy concluded that the interests of pedagogy in the University would be best served by merging CARET and the UCS. Since the University is actively pursuing the merger of CARET and the UL, by the time a review of the UCS's role in pedagogy was complete, it would be difficult to act on such a recommendation. In any case, the most recent minutes of the implementation steering group

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for this report reveal that there is apparently no longer any intention to review the role of the UCS in pedagogy, and instead the UCS and the UL will have some meetings with

a view to developing ways of working together including defining an aggregate support function in the UCS for the UL teaching and learning activities. 10

Whilst the UL and the UCS working more closely together is undoubtedly a good thing, it is hardly a substitute for a review of the role of the UCS in pedagogy.

Furthermore, there are (and will be) other reviews of teaching and learning in the different subject areas taught in the University, ¹¹ and these may well recommend changes to those aspects of IT support related to teaching and learning in their area. We are therefore faced with the real possibility that, bit by bit, the role of the UCS in relation to pedagogy is gradually transferred to other parts of the University without anyone ever considering the larger picture: whether this is in the interests of the University as a whole. It therefore seems to me that, no doubt inadvertently, we have ended up in a situation where the role of the UCS is not being properly considered at the level at which it should be considered if the best interests of the University are to be served.

I feel that most of the issues with this report I have mentioned are likely to be due to the lack of consultation and openness with which it was produced, rather than any deliberate intention on the part of its authors. I would therefore hope that the General Board will now revisit this area in a more open, consultative manner, and in due course publish a revised report, and give the University as a whole the opportunity to comment on it before any of its prime published practice of publishing a preliminary report without recommendations, and basing any recommendations on the feedback to the report. In any case, I trust that, bearing in mind the comments already received on the unpublished report as well as the contributions from today's Discussion, the General Board will honour their Statement of intention and openness and the report's substantive recommendations.

- 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.whatdotheyknow.com/request/review_of_teaching_and_learning
- 3 http://www.whatdotheyknow.com/request/reports of the implementation gr#incoming-30945
- 4 http://www-uxsup.csx.cam.ac.uk/~mbb10/TLSS/analysis_of_responses_to_report.html#analysis_
- 5 () jon 3.4 (page 8) of the unpublished report (provided in response to my Freedom of Information request cited earlier in footnote 2).
- ⁶ It may also be worth noting that Judge Business School has recently purchased a commercial eLearning solution, TOPYX, and will no longer be using CamTools.
- ⁷ For example, our 'Unix:Introduction...' courses form part of the 4 Year Ph.D. Programme in the CIMR: http://www.cimr.cam.ac.uk/study/cimr.html as noted in the Outline of Terms timetable for the 2008 intake for this Programme: http://www.cimr.cam.ac.uk/study/cimr/timetable_outlineofterms_2008.pdf
- § Primarily the courses in our 'Scientific Computing' series of courses: http://training.csx.cam.ac.uk/theme/scicomp?scheduled=all such as the extremely popular 'Unix: Building, Installing and Running Software' course: http://training.csx.cam.ac.uk/course/unixsware
- 9 As can be seen from some of the comments made in response to the report (cited earlier in footnote 3).
- ¹⁰ See point 7 in the revised work plan (ISGIb) attached to the note of the second meeting of the implementation steering group, held on 26 May 2009, supplied by the University in response to my Freedom of Information request:

 http://www.whatdotheyknow.com/request/reports of the implementation gr#incoming-32333
- 11 See, for example, the Notice in the Reporter about the current 'Review of provision for teaching, learning, and research in the social sciences and the organizational arrangements for that provision': http://www.admin.cam.ac.uk/reporter/2008-09/weekly/6152/12.html

¹¹ Cited earlier in Joothote 3.

Ordinances, Chapter Lip. 117).

Dr A. C. AITCHISON:

Mr Deputy Vice-Chancellor, I have been the Computer Officer for DPMMS (Department of Pure Mathematics and Mathematical Statistics) for nearly thirteen years.

Firstly. 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?

Secondly, a home appears to be needed for the work of CARET as it evolves from research into supported services delivered by computer. The report fails to explain why it failed to recommend the obvious solution of moving this work to the institution tasked with supporting computing services - the University Computing Service.

Thirdly, although this is outside my expertise, I am surprised that the choice of journal subscriptions is to be taken way from the academics who read them.

In summary, this is an important report, and it is ridiculous that it has been approved yet not made available to those whose work it could improve.

Dr D. R. DE LACEY:

Mr Deputy Vice-Chancellor, we are here today because the General Board appear to be implementing major changes on the basis of an unpublished report which has been discussed by Faculty Boards but not by the University. The General Board have spun the responses of the Faculties as offering 'a broad level of support', but that is to say the least disingenuous.

To take a response almost at random: The response of the Faculty Board of Archaeology and Anthropology begins:

The proposals are worthy of consideration, but would, in order to be effective, require more transparency and good management than has been shown in the preparation and distribution of the review;

and it ends:

We do hope that this is helpful.

The Discussion today amply demonstrates just how little extra transparency or good management were injected into the process despite sentiments such as these, and the hope expressed at the end appears to be futile in the light of at appear to be decisions already made before the review got as far as consultation,

I am no longer a Regent, but I am a user of University research facilities, in particular the University Library, Faculty libraries and my College library. And, like others, I note the grave weaknesses in the proposed report in the area of research. To quote again at random, the Department of History and Philosophy of Science comment:

The report takes little account of the important role Departmental libraries currently play in information provision generally, thereby overlooking a dimension that should be central in planning changes in library provision.

I note also that the Management Committee of the Language Centre are of the opinion that the proposals 'will not tackle the central problem' the Centre faces.

Yet this is all incidental and almost irrelevant to the failures of process which this report embodies. 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.

Professor A. D. CLIFF (read by Mr G. P. ALLEN):

Mr Deputy Vice-Chancellor, I speak as Chair of the General Board's Review Committee for Teaching and Learning Support Services, and of the subsequently-appointed Implementation Steering Group. I believe that the recommendations of the review will strengthen the University's internationally recognized teaching excellence by enabling the resources of one of the world's great libraries, the Language Centre and the Centre for Applied Research

in Educational Technologies (CARET) to become fully integrated via e-media into the learning experience of our students, while preserving the Library's traditional role as a paper-based research library. Central coordination of teaching and learning support, which is currently provided in a fragmented way by many institutions across the collegiate University, will, in due course, become the responsibility of a single institution, while retaining the ability for individual Departmental and Faculty libraries to control their day-to-day independent operations.

It will be helpful in understanding the Discussion if I remind the Regent House of the purpose of the review and of the consultations which have been undertaken.

At their meeting on 10 October 2007, the General Board set up the Review Committee with the following terms of reference, namely 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 levels;
- 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, particularly in view of the fact that a search for a new University Librarian would shortly be launched.

The members of the Committee were: myself (Chair); Professor Tony Badger (Faculty of History and Chair of the Colleges Committee); Dr Nick Bampos (Senior Tutor, Trinity Hall); Mr Peter Coulthard (student representative); Mr Simon Lebus (Cambridge Assessment); Professor Melveena McKendrick (then Pro-Vice-Chancellor for Education); Professor John Morrill (Faculty of History and member of the Library Syndicate); Ms Jan Wilkinson (Director of the John Rylands University Library, Manchester); Professor Steve Young (Department of Engineering, former Chair of the Management Committees for CARET and the Language Centre, Chair of the Information Strategy and Services Syndicate, ISSS). The membership was carefully chosen to cover, as far as possible in a committee of manageable size, the broad range of student, University, and College interests in teaching and learning support which would establish a general direction of travel for the University to follow, but which also recognized that detailed implementation work would remain to be undertaken at the next stage.

The Review Committee first met in February 2008 and aimed to develop a high level report for a meeting of the General Board in the Easter Term 2008. The Board published a Notice (*Reporter* 2007-08, p. 526), announcing the establishment of the Review Committee and inviting comments from members of the University. Three responses were received. In addition to its own deliberations, the Review Committee had individual meetings with the Directors of the University Computing Service, CARET, the Language Centre, and with the then University Lipinan (Mr Peter Fox). They also met others including the Chairman of the Journals Coordination Steering Committee, and a senior representative of the Cambridge University Press, and considered a wide range of relevant papers. Thus the Review Committee had a broad range of information upon which to base its recommendations.

The General Board received the report of the Review Committee at their meeting on 9 July 2008. The Board approved in principle the recommendations in the report and agreed to receive proposals for membership of an implementation steering group at their next meeting. The Board, at their meeting on 8 October 2008, approved the membership of the Implementation Steering Group (ISG) as follows: myself (Chair), Professor John Rallison (Pro-Vice-Chancellor for Education), Professor Richard Hunter (then Head of the School of Arts and Humanities and Chair of the Library Syndicate), Dr Nick Bampos, and Professor Steve Young. Dr Ian Lewis (Director of the University Computing Service) and Mrs Anne Jarvis (University Librarian) were subsequently added to the Group. The Board's Annual Report (*Reporter*, p. 226-7) at paragraph 3.1, contained for the information of the University a summary of the review's principal recommendations.

The Review Committee's report was circulated for comment both to institutions and bodies directly involved, as well as to the Councils of the Schools, in August 2008, inviting comments by November 2008. Thirty-one responses were received from institutions, together with a number of individual or collective responses. The institutions responding were as follows:

General Board Committee on Libraries Council of the School of the Biological Sciences Faculty Board of Law Senior Tutors' Standing Committee on Education Council of the School of Arts and Humanities

Department of Architecture

Department of History of Art

Faculty of Asian and Middle Eastern Studies

Faculty of Classics

Faculty of Divinity

Faculty of English

Faculty of Modern and Medieval Languages

Faculty of Music

Faculty of Philosophy

Council of the School of the Humanities and Social Sciences

Faculty of Archaeology and Anthropology

Department of Archaeology

Faculty of Economics

Faculty of Education

Faculty of History

Department of History and Philosophy of Science

Department of Land Economy

Committee of Management of the Language Centre

Council of the School of Technology

Department of Engineering

Judge Business School

Computer Laboratory

Library Syndicate

Information Strategy and Services Syndicate

Council of the School of the Physical Sciences

General Board Education Committee

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. In addition, the Implementation Steering Group held an open meeting in March 2009 attended by 32 Departmental and Faculty librarians. The new University Librarian has had separate discussions with the librarians from the School of the Humanities and Social Sciences and the School of Arts and Humanities. She has also met with the College librarians at a meeting of the Cambridge College Libraries Forum and she has also met with a number of other Departmental and Faculty librarians on an individual basis. 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 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. 590). This remains the Board's intention.

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GENERAL BOARD OF THE FACULTIES

A meeting of the Board was held at 2.15 p.m. on Wednesday 8 July 2009 in the Pitt Building, Trumpington Street.

Present: the Vice-Chancellor, Dr Bampos, Professor Bell, Professor Brown, Professor Ford, Professor Franklin, Professor Gamble, Dr Padman, Professor Rallison, Professor Sanders, Professor Sissons, Mr Wakeford, Professor White and Mr Xia, with the Academic Secretary as Secretary, the Deputy Academic Secretary and Mr Thompson, Professor Leslie, Professor Minson, the Registrary and the University Draftsman were also present. The Development Director attended for items B1 and C5.

Apologies for absence were received from Professor Blundell, Professor Cliff and Dr Pretty.

Mr Wakeford and Mr Xia were welcomed to their first meeting. The Board recorded their thanks to Professors Bell, Blundell and Minson for their contributions to the Board's work.

UNRESERVED BUSINESS

Part A - Preliminary and Legislative

A1. Declarations of interest

No declarations were made.

A2. Minutes

The Minutes of the meeting of the Board held on 3 June 2009 were approved and signed (Paper No. 09.A.14).

The Board noted that a General Board circular (06/09), issued on 26 June 2009, had been approved on Friday 3 July 2009.

A3. Report by the Vice-Chancellor

The Vice-Chancellor noted with pleasure the following awards in the Queen's 2009 Birthday Honours: Professor Sir David Baulcombe (knight bachelor), Dr Kate Pretty (CBE) and Professor Lynn Gladden (CBE). The Vice-Chancellor also congratulated Professor Mary Beard on the award of the Wolfson History Prize, and Professor Sir Richard Friend on the award of the Institute of Physics Business and Innovation Medal. The Vice-Chancellor reported on the extensive lobbying of Ministers regarding the potential damage to the international work of the University which the new Points Based Immigration system was likely to cause. She also reported very considerable concerns about the level of the HE budget for 2010 and beyond.

A4. Joint Report of the Council and the General Board on the requirements for the B.A. Degree by Honours Minute 09.03.A5

The Board were reminded that at their meeting on 4 March 2009 they had signed a Consultative Report on the requirements for the B.A. Degree by Honours, which had been discussed on 12 May 2009. They received a further Report, proposing legislative changes in the light of remarks made at that Discussion (Paper No. 09.A.15).

The Board agreed to approve the Report and they signed it.

A5. Response to Remarks made at the Discussion on the Report of the General Board on Senior Academic Promotions

The Board received a draft response to remarks made at the Discussion on 26 May 2009, on the above Report (Paper No. 09.A.16), together with the remarks made at the Discussion.

After the Secretary had commented, the Board recommended the response, subject to textual amendment, to the Council, noting that other remarks at the Discussion were for the Council to respond to.

Part B - Principal Business:

B1. Report on 800th Campaign Minutes 08.12.B1, 08.02.B1, 07.06.B1, 07.01.B1, 06.04.B1

The Director of Development and Alumni Relations delivered a presentation on the performance of the 800th Campaign for the current financial year up to 30 June 2009. He commented that year-end data would include donations made direct to Faculties and Departments, and those funds raised by the Colleges.

The Director reported on the volume and value of gifts, and noted that there had been a significant reduction for those gifts to the University in excess of £1m on the previous year. He further noted that a significant proportion of the University funds raised to date came from those gifts in excess of £100K.

The Board noted that while it had been a difficult year for fundraising, the Development Office had undertaken much work in connection with gifts under active consideration and in the pipeline. The Board were informed of the successful telephone campaigns undertaken by certain Colleges, and noted that while gifts in excess of £100K to the Colleges had also fallen away, the value and volume of smaller donations appeared to have held up very well during the year.

The Director commented that, despite the poor underlying performance in the current year, the cumulative total in the Annual Campaign Report

would be in excess of £900m, and that it was anticipated that the £1 billion milestone would still be reached before the end of the campaign in 2012.

The Board noted the importance of maintaining the momentum of the campaign, and the success of the 800^{th} Campaign in raising participation rates and levels of giving.

B2. Graduate Education Review: Third Progress Report from the General Board's Steering Committee Minutes 08.11.B2, 08.04.B2, 07.07.B2, 06.11.B2, 06.03.B2, 06.01.B1 and 05.10.B1

The Board received the third progress report from the Steering Committee overseeing the implementation of the action plan arising from the review of graduate education, together with the minutes of a meeting of the Steering Committee held on 28 May 2009 (Paper Nos. 09.B.16 and 09.B.17 respectively).

Professor Leslie, as Chair of the Steering Committee, drew attention to the outstanding issues noted in paragraph 8 of the report on which the Steering Committee sought further progress before it expected to be wound up, noting also that other issues were being taken forward by the Board of Graduate Studies.

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

- It was envisaged that once interest in various 'shared' admissions models had been scoped, two or three models would be taken forward after being costed.
- Concern was expressed about the efficiency of the Board of Graduate Studies, in particular the large amount of Reserved Business for the Board's meetings and the excessive level of detail with which the Board seemed to be concerned, particularly in respect of M.Phil programmes; duplication of registry functions; the extent to which CamGRAD had impeded prompt reporting by Supervisors; and the need enhance CamSIS's functionality and to introduce electronic referencing.
- Professor Rallison, as Chairman of the Board, acknowledged certain of those observations, whilst noting that some matters necessarily took longer to progress than others and that some body was necessary to deal properly with examination representations and student complaints, consideration of which necessarily took time.
- Inconsistencies of performance and effectiveness across the Degree Committees posed challenges to the rationalization of graduate education administration. There was potential for savings of time and manpower were the number of Degree Committees to be reduced.

- Professor Brown, as a former Chairman of the Board, expressed concern over the slow progress which was apparently being made in respect of student complaints and examination representations procedures.
- The Secretary reported on progress being made in bringing together cognate record-keeping functions within the Academic Division.
- The General Board's Review of Social Sciences might prove an opportunity for rationalization of the management of graduate education in the School of the Humanities and Social Sciences.
- Relations between the Board and the Cambridge Trusts had improved significantly.
- Professor Bell drew attention to the need for uniformity in collecting disability data at undergraduate and postgraduate levels. He also suggested that the respective roles of the Board and of the Education Committee in considering new postgraduate course proposals required rationalization.
- The possibility of a Graduate School in the Arts and Humanities was under active consideration by the Council of the School of Arts and Humanities.

The Board agreed to refer the relevant observations to the Board of Graduate Studies and to receive a further progress report in the Michaelmas Term.

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.

B4. Review of the 2008 RAE submission to the Agriculture, Veterinary and Food Science Unit of Assessment Minute 09.01.B1

The Board received a report on the Review of the 2008 RAE submission to the Agriculture, Veterinary and Food Science Unit of Assessment (Paper No. 09.B.19).

After Professor Leslie had drawn attention to certain aspects of the report, the Board agreed to accept the report and to approve its recommendations.

B5. Draft Joint Report of the Council and the General Board on disciplinary, dismissal, and grievance procedures

The Board received a report from the Joint Working Group of the Council and the General Board (Paper No. 09.B.20), together with a draft Report to the University setting out legislative proposals, and responses to comments received on the consultative white paper, published in December 2008 (Reporter, p. 301).

Professor Brown drew attention to the key points in his summary paper, acknowledging the valuable contributions made through an extensive consultation process. He reminded the Board that the University's current procedures were not legally compliant and that the reforms now proposed were long overdue. The Joint Working Group considered that the draft now met the points raised in the consultation.

The Board noted that the Report would be considered at the Council's next meeting and subsequently at a special joint meeting of the Council and the Board, with a view to a final version being available for signature in the Michaelmas Term. The Board indicated their acceptance of the draft Report and expressed their thanks to Professor Brown and the other members of the Group for their work.

Part C - Other substantive business:

C1. Education Committee

The Minutes of a meeting of this Committee held on 1 July 2009 were received (Paper No. 09.C.29), together with papers on the Student

Attainment Equality Impact Assessment and the Student Admissions Equality Impact Assessment (Paper Nos. 09.C.29a and 09.C.29b respectively).

In connection with Minute 3.1, concerning conversion of 'locally certified' awards into University awards, Professor Rallison drew attention to the significant progress made in the conversion process.

In connection with Minute 3.2, concerning the Learning and Teaching Review of the Faculty of Archaeology and Anthropology, he drew attention to the need to ensure that Ancient and Near East (ANE) staff, students and resources were properly integrated into the Faculty, in accordance with the recommendation from the General Board's earlier Review of the (then) Faculty of Oriental Studies. Professor Franklin acknowledged the need for the relocation of the staff concerned (currently still based in the Faculty of Asian and Middle Eastern Studies). Professor Bell noted that the School of the Humanities and Social Sciences had agreed a way forward but this still required the cooperation of the staff concerned before implementation.

In connection with the two Equality Impact Assessments Reports, Professor Rallison, having noted the legal obligation to publish the Reports, drew attention to the action proposed by the Education Committee in connection with the Student Attainment Report. So far as the Student Admissions Report was concerned, he commented that both the Undergraduate Admissions Committee and the Board of Graduate Studies had expressed serious concerns with the report's recommendations and the quality of the research undertaken. Both bodies had agreed that rather than publish the summaries prepared by the Head of Equality and Diversity, the reports should be accompanied by shorter statements to: highlight good practice; indicate the further investigations necessary so as to place conclusions on a sound statistical footing; indicate which recommendations were to be acted on; but also to make clear which recommendations were not accepted with reasons for that. Professor Bell strongly urged that future Equality Impact Assessment Reports should be undertaken internally. He also noted the considerable work on performance by particular ethnic groups undertaken under the auspices of the former Joint Committee on Academic Performance.

Subject to what is said above and having noted that consideration of the Review of Genetics (Minute 4.1.2) had been deferred, the Board approved the recommendations in the Minutes.

C2. Human Resources Committee

The Minutes of a meeting of this Committee held on 11 June 2009 were received (Paper No. 09.C.30), together with a draft Notice on the Pay Settlement for Clinical Academic Staff (Paper No. 09.C.30a) and a

report and paper on Recruitment Equality Impact Assessment (Paper No. 09.C.30b).

In connection with Minute 1082/09, concerning research grants and retired principal investigators, the Secretary drew attention to the progress being made. In connection with Minute 1087/09, concerning Recruitment Equality Impact Assessment, the Board, for their part, agreed that when the Report was published, it should be accompanied by a note comparable to those to be produced in connection with the Student Attainment and Student Admissions Impact Assessments (see Minute C1 above).

Subject to what is said above, the Board, for their part, approved the recommendations in the Minutes and approved the draft Notice concerning stipends for the holders of clinical academic offices and payment for clinical responsibility.

C3. Planning and Resources Committee

The Minutes of a meeting of this Committee held on 17 June 2009 were received (Paper No. 09.C.31).

In connection with Minute 1155, concerning Planning Guidance for the 2009 Planning Round, Professor Minson commented on the extent to which the guidance had to reflect changing external factors.

The Board, for their part, approved the recommendations in the Minutes.

C4. Research Policy Committee

The Minutes of a meeting of this Committee held on 24 June 2009 were received (Paper No. 09.C.32), together with a paper on Strategic Initiatives and Networks (Paper No. 09.C.32a).

In connection with Minute 4 and Paper No. 09.C.32a, concerning Strategic Initiatives and Networks at the University, members raised a number of concerns, including:

- the relationship between the proposed fund and the Strategic Planning Reserve:
- operational aspects of the proposal;
- the extent to which inter-disciplinary and multi-disciplinary initiatives could be accommodated;
- the need for close involvement by the Schools in the process;
- the extent to which the Schools of Arts and Humanities and of Humanities and Social Sciences might not be able to benefit;
- the need to recognise that there were other initiatives across the University to which the paper made no reference; and

 the need for consideration of funding by the Resource Management Committee.

The Board agreed that further work on the proposal, to take account of their concerns, was required by the Research Policy Committee.

In connection with Minute 5, concerning the Research Excellence Framework (REF), Professor Leslie indicated that the Heads of Schools had been provided with a draft list of units of assessment and that there was still an opportunity informally to influence the form of the REF before the formal HEFCE consultation in the autumn.

Subject to what is said above, the Board approved the recommendations in the Minutes.

C5. Abu Dhabi: Judge Business School

The Minute for this item has been excluded on the grounds of confidentiality.

C6. Draft work plan for 2009-10

The Board received a draft of their work plan for 2009-10 (Paper No. 09.C.34).

The Board approved the plan in principle and agreed that members should submit any items of additional business to the Secretary by 31 July 2009.

RESERVED

Vice-Chancellor 7 October 2009

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

Commissioned by Implementation Steering Group

October 2009

Dr Alan F MacDougall JP, MA, PhD, FRSA MacDougall Consulting Ltd <u>afmacdougall@macdougallconsulting.com</u> 02075887520

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ACKNOWLEDGEMENTS

The contribution of all those who spared valuable time to see the Consultant is acknowledged with thanks. The three Librarians of the Faculties of History, Economics and Institute of Criminology who offered advice and counsel are especially thanked.

The Report, however, is the sole view of the Consultant and might, or might not, necessarily be the views of those three Librarians or any of the staff interviewed. Grateful thanks are also due to the University Library Secretariat, in particular who made sure that everything went to plan and to time.

EXECUTIVE SUMMARY

The remit of this study was:

To explore and consider the most apposite framework/ model and the steps required to implement 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. In doing so, to carry out appropriate discussion and research so as to:

-indentify the critical success factors

-provide a framework in which the implementation could be delivered

-bear in mind the scalability beyond the initial three libraries

-make recommendations and suggest a timescale

In carrying out the study the Consultant was mindful that agreement had already been reached that the three Librarians of The Faculties of History and Economics and the Institute of Criminology, all in the School of Humanities and Social Sciences, would be involved in initial discussions about their Libraries becoming part of a federal library service for the University of Cambridge.

The Consultant, in addition to the discussion with the three Librarians, interviewed a further 16 members of the University staff who could either be involved in any realignment of service, or, might be able to offer some insight.

Arising out of this discussion, desk research and analysis of best practice and experience the study identified some 25 recommendations which would help the University to move towards The General Board's wish that:

"de facto Director of Library Services and the UL should be become responsible for the provision and dissemination of materials for teaching and learning across the University"; that "The Librarian will need to work with the library staff in the faculties and departments to ensure faculty and departmental libraries can deliver e-learning support to their users." And in doing so should bear in mind the "different methods of delivery, working environments and a closer managerial relationship with the UL".

The recommendations referred particularly to the three Libraries but were shaped with scalability to the fore since there was the potential for another 43 Libraries to become part of the new federal arrangement.

The study recommended that the three Libraries should be known as Affiliate Libraries and would be part of a newly aligned Library service with a wider term than University Library; the University Librarian, to be known also as Director of Library Services; the Director to assume responsibility for the Affiliate Libraries; the Director in turn 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. Safety-net provision should also be put in place. It would be important that the Affiliate Librarians remained embedded in the Faculty and Institute structures. Overall, the Director of Library Services would recognise one size does not fit all in any federal arrangement and would look for a flexible and light touch. A range of recommendations were also made about the need for there to be a change of mindset from an building-centric approach to one of provision of services for teaching and learning across the University and the Affiliate Libraries. This would be carried through by potential restructuring; a new approach to subject specialisation; rethinking about the technical services provision; the potential for staffing continuity; succession planning and the significant opportunity for the Affiliate Libraries, together with the University Library staff, to contribute and influence the strategic and operational service across the University Libraries.

The report emphasises the key importance of protecting the future services to the student and staff and ensuring the accessibility and availability including opening hours, appropriate selection, organisation and deployment of materials. As noted by The General Board, the significant potential for effecting long term efficiencies and economy might require short or medium term injection of additional funds; reference is made to that need as well.

SUMMARY OF RECOMMENDATIONS

Recommendation 1

That the Economic, History and Institute of Criminology Libraries be designated "Affiliate Libraries" and that this title should be used for all subsequent Libraries that become part of the proposed federal Library arrangement. Further, that the University Librarian (henceforth known as Director of Library Services as recommended by the General Board) considers a change of terminology for the presently titled "dependent libraries" since there may be little reason to differentiate between the new designated Affiliate Libraries and the dependent libraries.

Recommendation 2

That the Director of Library Services may wish to reflect upon the new relationship with Affiliated Libraries by adopting an inclusive over-arching title to reflect the new wider Library service

Recommendation 3

That the overall responsibility for the governance will be assumed by the new Syndicate (NB the recommendation of the General Board Review was that the present University Library Syndicate should be merged with the General Board's Committee on Libraries) through the Director of Library Services. The Chair of Faculty would therefore no longer have the responsibility for a Faculty, Department or Institute Library.

Recommendation 4

That the Faculty, Department or Institute be encouraged to retain the Affiliate Librarians within the existing School structures/committees

Recommendation 5

The Affiliate Librarians should report through an appropriate senior Library officer to the Director of Library Services

Recommendation 6

That the opportunity afforded by the incorporation of Affiliate Libraries be used to encourage a new culture of thinking and purpose across the libraries

Recommendation 7

That the Director of Library Services considers the potential for a subject approach which would embrace the Affiliate Libraries as well as the University Library

Recommendation 8

That the potential for placing appropriate legal deposit items within the Affiliate Libraries be considered

Recommendation 9

That the Director of Library Services should, at an early stage, consider setting up a working group, including representation from the Affiliate Libraries, University Library, and others of relevance, and with appropriate terms of reference, to make recommendations on a more effective redeployment of materials and resource for the pursuit of better accessibility and availability to the student and staff community across Cambridge University

Recommendation 10

That, in any review and restructuring, the potential for creation of posts as Heads of area which take into account subject groupings be considered

Recommendation 11

That the effective and efficient redistribution of materials to provide an improved coordinated coverage, accessibility and availability, be accompanied by appropriate additional resource

Recommendation 12

That the Director of Library Services explore the potential with the University Library and Affiliate Libraries for agreed optimum opening hours which would protect the accessibility and availability of material within cost effective resource provision.

Recommendation 13

That the Director of Library Services, in any subsequent strategic review, which would include affiliate representation, should bear in mind the potential for a realignment of front-of-house and back- of- house across the new library service arrangement (that is including the Affiliate Libraries)

Recommendation 14

That the Director of Library Services be mindful of the specialist expertise that the University Library staff and Affiliate Library staff would bring to the new service, the potential for promotion, training and development opportunities and the enrichment of service to the staff and students of the University by involvement in the planning of the future service and the benefit for continuity of service and succession planning

Recommendation 15

That attention will need to be given to the provision of additional resource for human resources and financial administrative support as the number of Affiliate Libraries increase

Recommendation 16

That the funds presently granted to the Faculty, Department and Other Institutions (calculated over the average expenditure over the past 5 years) be transferred to the Director of Library Services for the financial year 2010 -2011 onwards. The sum should include provision for the finance given from Trust Funds, Donation Funds and internal trading accounts

Recommendation 17

That the Director of Library Services should receive safety-net funding to protect against the shortfall of funding for the University Library and Affiliate Libraries should a reduction or 0% increase be applied to its budget in the coming years

Recommendation 18

That where appropriate service level agreements concerning heating, lighting, cleaning, maintenance of the building, fixtures and fittings, furnishing be identified and future funding agreed with the Faculty, Departments and Other Institutions and that whatever arrangements made to ensure that the University Library would not be able to take on such commitments without guaranteed recurrent funding

Recommendation 19

That the type and cost of IT equipment, associated maintenance and computing support be identified and agreement reached with the Faculties, Departments and Other Institutions. The University Library would not be able to take on this additional cost without recurrent financial subvention

Recommendation 20

That the Director of Library Services consider the desirability of providing clear and transparent on-going information about the new services following the addition of the affiliate libraries.

Recommendation 21

That the Director of Library Services may wish to consider the desirability of a new logo being commissioned which more accurately reflects the new service provision

Recommendation 22

That, with regard to the detailed arrangements required for the new relationship, the Director of Library Services draws upon the expertise from the University Library staff and the Affiliate Library staff through the medium of working parties and ad hoc working groups with appropriate terms of reference

Recommendations 23

The Economics, History and the Institute of Criminology Libraries assume Affiliate status in August 2010 and that the time before then be used to progress the detailed requirements to ensure a smooth transition

Recommendation 24

That the University authorities be requested to consider the three Affiliate Libraries, in conjunction with the University Library, for the 2009 Planning Round (referring to the year 2010-2011)

Recommendation 25

That the new Library Board give consideration to the closer working relationship between the newly formed wider Library Service and the College Libraries

1. INTRODUCTION AND BACKGROUND

1.1 The General Board's Review of Teaching and Learning Support Services
The General Board's Review of Teaching and Learning Support Services examined
the University's provision for the support of teaching and learning and made
recommendations for the future which included: the provision of high quality and cost
effective pedagogic support services. The July 2008 report covered the UL, the UCS,
the Language Centre and CARET as well as the coordination of pedagogic support.
One specific area of the review was the development of the University Library
system. The Report stated 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". The point was made that
this distinction had been breaking down especially with regard to electronic books,
journals and online access to some teaching materials.

The Report observed "the current structure of independently run Faculty and Departmental Libraries does not permit the delivery of a coherent strategy, and those libraries are often keen to maintain their independence. They have considerable resource, including staff resource, which could be redirected in response to changing needs if necessary; similar skills in organising information were thought to be required in an electronic environment"

The Review, Inter alia, reported that it considered:

(i) The role of the University Librarian should be rapidly developed to become a de facto Director of Library Services and the UL should be become responsible for the provision and dissemination of materials for teaching and learning across the University.

(ii) Consideration should be given to merging the work of the UL Syndicate and the General Board's Committee on Libraries into a single Syndicate which is able to work with, and develop with the University Librarian, a strategic vision which will ensure, amongst other things, that the UL can deliver the einformation and e-learning support for the University's institutions.

(iii) The Librarian will need to work with the Library staff in the Faculties and Departments to ensure Faculty and Departmental Libraries can deliver elearning support to their users. Different methods of delivery, working environments and a closer managerial relationship with the UL should be considered.

There were also a number of other recommendations more geared towards UCS, CARET and the Language Centre.

The Review also recognised that economies of scale would be possible and that it was likely there would be a need to provide some funding to enable restructuring in the short and possibly the medium term.

Recommendation 5 stated:

The UL should be given a more pro-active role in the organisation of Faculty and Departmental libraries and liaising with College Libraries with the aim of providing cost-effective, high quality delivery of Library and e-information services through the Librarian acting as Director of Library Services.

1.2 Implementation Steering Group and the present study

The Implementation Steering Group was then to translate the General Board's Review of Teaching and Learning Support Services in to a practical reality. It identified, in light of the fact that the Council of the School of Humanities and Social Sciences was already considering ways of coordinating Library resources, that this was an opportune moment to examine models for working together. Consequently, the Librarians from the Faculties of Economics and History and the Institute of Criminology agreed to begin work on proposed models for working with the University Library.

Taking into account the background above, MacDougall Consulting Ltd, which has previously carried out three reviews of sections within the University Library, and had acted as a facilitator to the strategic planning exercise, was asked to undertake a study

This present study concentrates on the aspects above and does not deal with matters related to UCS, CARET, or The Language Centre which are the subject of separate consideration.

1.3 The terms of reference

The terms of reference required for this report were as follows:

To explore and consider the most apposite framework/ model and the steps required to implement 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.

In doing so, to carry out appropriate discussion and research so as to:

-indentify the critical success factors

-provide a framework in which the implementation could be delivered

-bear in mind the scalability beyond the initial three libraries -make recommendations and suggest a timescale

The report is to be submitted to the University Librarian by the end of the first week in October 2009.

2. CONTEXT

The total Library direct expenditure in the University and Colleges is presently over £20 million p.a. Within the University Libraries about 75% of the £18.5 expended (2007/08) and 75% of the 440 FTE staff are in the University Library and its four dependent Libraries. Outside the University Library and its dependents, 46 Faculties, Departments and other institutions have their own Libraries. The College Libraries form their own constituency.

The comprehensive fulfilment of the implementation of the General Board's report would involve potentially 46 Libraries. It would be a large undertaking which would be difficult to achieve in one step; the initial smaller grouping of three Libraries, identified by the implementation Steering Group, is a sensible first step. Matters of potential scalability could also then be taken into account.

Accordingly, this study, carried out between June 2009 and September 2009, concentrated on a framework for integrated and joined-up thinking covering three Faculty, Departmental and Institute Libraries in the School of Humanities and Social Sciences. All three Libraries are geographically close to the University Library being located on the Sedgwick site. The Libraries mentioned above viz: the Libraries of the Faculties of History and Economics and Institute of Criminology were identified and agreement was given to be part of the study. Detailed financial profiles are listed the table in Section 5.5 below. The Libraries offer a blend and range of services to research and undergraduate communities; a combination of online digital and traditional print material; collections which have patterns of intensive and quiet periods of use over the year and all have professionally qualified Heads of Libraries. In the School of Humanities and Social Sciences there are presently thirteen Libraries: in addition to the three Libraries in the review a further three have professionally qualified Librarians at their head and a further seven are overseen by unqualified staff. The seven Libraries could include part time and/or casual members and may offer a more limited range of services. All thirteen Libraries in the School are individually striving to offer the best service possible within the constraints of the financial resource base.

3. METHODOLOGY

The consultant carried out desk research, gathering together relevant documents and information. This was followed by meetings with a range of interested parties and key stakeholders within the constraints of time available to undertake the study. Finally, time was allocated to review and report writing.

3.1 Meetings

The meetings are summarized as follows:

3.1.1 University Library staff and dependent Library staff
In the first instance, meetings were held with the University Librarian and the
Acting Deputy Librarian. During the study, six separate meetings were also
held with University Library staff who were either already involved, or, were
likely to be involved, in close collaboration and cooperation with the libraries
of the faculties and departments. In addition, interviews were held with two
staff from the dependent Libraries of the University.

3.1.2 School of Humanities (Librarians within the study)

The General Board had already obtained the agreement of the three out of the thirteen Libraries in the School. Accordingly, MacDougall Consulting Ltd worked closely with these Librarians from Faculty of History, Faculty of Economics and the Institute of Criminology. The extremely helpful discussion, advice and support during the span of the research from the three Librarians should not be inferred as anything but the Librarians acting in the highest professional manner looking to ensure that there would be a balance, informed and considered report. This Report, however, is the considered view of the Consultant and might, or might not, necessarily reflect the opinions of the three Librarians.

3.1.3 School of Humanities and Social Sciences (Officers)
Meetings were also held with other key people who could inform the process: these included the present and incoming Chair of the School of Humanities and Social Sciences and the Secretary of the School. Invitations to discussion were passed through the Librarians of Economics, History and Criminology to the Chairs of the Faculty and Institute. The Librarians reported back that their Heads would be content for the discussion to continue to take place between Librarian and consultant during the compilation of the Report.

3.1.4 Chairman of Review Committee

A meeting was held with the Chairman of the General Board's Teaching and Learning Support Services Review

3.1.5 Librarians from other Libraries

In addition, those with useful experience were also met, for example, the Librarian of the School of Education and the Librarian of the Business School who had also been the Faculty Librarian in Oxford and thus added knowledge of the Oxford experience of assimilation of schools and faculties within a realigned Library service.

In all some 19 members of the staff of Cambridge University were interviewed at least once during the course of this study.

(See Appendix A for a list of names).

4. CRITICAL SUCCESS FACTORS

The terms of reference for the study required the detailing of critical success factors. Without understanding or recognition of the critical success factors the implementation process might be somewhat hindered but if accepted would help to smooth the way to a successful integration of the various Libraries.

Notwithstanding, it emphasises that in the final instance any implementation plan would require of only the buy-in and commitment of the School and the Heads of Faculty, Departments and Other Institutions but also the Library staff involved in the process. It is these staff who can make and break any arrangement, however well crafted and detailed. The need to register the Library staff aspirations and motivations within the overall demands of the staff and student community is therefore borne in mind when compiling the critical success factors detailed below.

The critical success factors were derived from the detailed discussion with staff and the experience of best (and worse) experience elsewhere.

4.1 Student experience, expectation and need

Above all, there must be recognition that the delivery of a seamless and integrated teaching and learning service, under the aegis of a Director of Library Services, has to be driven by the students' experience, expectation and need within a realistic financial framework

4.2 One size does not fit all

There has to be a transparent recognition and declaration that, in any process of seamless integration, a one size solution cannot fit all circumstances. In other words there is a requirement to recognise local day-to-day operation and the need to have an agreed level of local autonomy within a wider framework of a Library service for the University. The presently named "dependent Libraries" offer some insight into the way that the procedure works at present, Clearly, there will need to be core standards but the light touch from the Director of Library Services will continue to be required along with need to capture and retain valued informality and flexibility.

4.3 Framework clarity and transparency

Notwithstanding, there will need to be clarity and transparency within an overall framework of governance and operational processes; a framework which is clear, both to the benefit of the potential user, and to the Library staff supplying that need. It would need to be teased out and promulgated.

4.4 Protect availability and accessibility

There needs to be recognition of the reality of economic constraints; stagnation is not an option, and the risk of the consequences of "death by a 1000 cuts". It will be necessary to act proactively to protect the availability and accessibility to a comprehensively maintained range of services and materials thus ensuring the continuance Cambridge University's world-class status. This prioritisation will best serve to ensure that community's needs are protected.

4.5 Embedded in the Faculty, Department and Institutes structure
There will be a continuing need to ensure those Libraries which become part of the integrated service remain embedded in the structure of the Departments, Faculties and other Institutions within which they are located.

4.6 Equality of treatment

All of the Library staff regardless of their affiliation (University Library, Faculty, Department and Other Institutions) are of equal status in the provision of the service and share the role in satisfying the need of the University's community. All Library staff in Cambridge will need to rethink their audience viz thinking inclusively about the needs of a unified Cambridge rather than exclusively about one specific area.

4.7 Overcoming the building-centric mindset

The understandable present building-centric perception/mindset of service by Library staff has to be overcome in favour of a coordinated University-wide access and availability to comprehensive information /materials (and differing structures). The days of attempting to provide comprehensive access and availability of resource within one building is over, notwithstanding the benefits offered by electronic provision. There will need to have some recognition that, on occasions, the user will have to travel to more than one Library for their service.

4.8 Transparent collections and services information

A recognition that there is a continuing blurring of research and undergraduate collections and that it is no longer possible to segregate collections and materials along these lines but, notwithstanding, there is a need to provide a clear and transparent collection and information resource policy, namely the availability and accessibility of the material so that the community have a clear understanding of where collections, regardless of format, are located.

4.9 Inclusivity

That Library staff, becoming part of an integrated University-wide service provision, will all have the potential to be part of the strategic and operational development of the entire service and are thus part of the strategic and operational planning and development process.

4.10 Trust and honesty

The success of any such affiliation has to be based on trust, honesty of intention and confidence.

4.11 Scalability

Any model or framework for the introduction of the implementation will need to be scalable and relevant to the Libraries beyond the initial three Libraries.

These critical success factors would have to be recognised and accepted if there were to be any real progress of implementation of The General Board's Review in Cambridge. The way forward and recommendations flow directly from these critical success factors.

5. THE CONSIDERATIONS AND WAY FORWARD

The first consideration is the relationship between the University Library and the Faculty, Departmental and Other Institution Libraries in any new arrangement recommended by The General Board.

The critical success factors highlight the importance of a framework, equality of treatment, the need to consider beyond the building-centric mentality and the requirement to rethink fundamentally the mindset concerning the availability and accessibility of comprehensive materials regardless of format and levels of service.

The objective would be to ensure that students and staff of the University will be entitled to a shared Libraries resource which offer a transparent and coordinated service delivered to relevant standards. Users will be demanding access to available material and services at the appropriate time and not barriers to access and success. The recommendations identified below go someway to meet that aspiration. An aspiration which will require new thinking, a radical shift, strengthening of availability, selection, acquisition, storage, accessibility of service and elimination of unnecessary duplication. This is all within the context of the potential for local services which still retain levels of agreed autonomy of action, flexibility and individuality of service. This presents the opportunity for proactive action both locally and across the new service rather than the risk of fragmented uncoordinated service divorced from consideration of cost benefit.

An impression may be created that the present deployment of resources between the University Library and the rest of the Libraries is fragmented. However, this is only partially accurate since there is an important degree of underlying infra-structural support provided by the University Library to the 46 Libraries and beyond. At the present time members of the staff of the University Library, at some cost, support the Departmental, Faculty and Other Institutional Libraries, for example, in respect of Voyager Library Management system and related activities.

Any new federal arrangement should be accompanied by appropriate titles and terminology, hence the first two recommendations.

5.1 Terminology

The University Library has to reflect on its new relationship with the intended libraries. It may wish to consider the term "Affiliate Libraries" as a more relevant and expressive term reflecting the new relationship. Further, this term might be extended to the presented named "dependent libraries". In doing so the University should also consider a more inclusive and comprehensive overarching title for the new arrangement; a term such as "Cambridge University's Library Services" or perhaps "University of Cambridge Library Services" might be considered but the decision should be left for the Director of Library Services to determine.

Recommendation 1

That the Economic, History and Institute of Criminology Libraries be designated "Affiliate Libraries" and that this title should be used for all subsequent Libraries that become part of the proposed federal Library arrangement. Further, that the University Librarian (henceforth known as Director of Library Services as recommended by the General Board) considers a change of terminology for the presently titled "dependent libraries" since there may be little reason to differentiate between the new designated Affiliate Libraries and the dependent libraries

Recommendation 2

That the Director of Library Services may wish to reflect upon the new relationship with Affiliated Libraries by adopting an Inclusive overarching title to reflect the new wider Library service

5.2 Governance, management and reporting considerations

The existing Library governance arrangements in Faculties, Departments and Institutes (see below) embed the Librarians in the relevant structures and committees. As such there are no specific Library committees but Library matters are considered in the appropriate committees on which the Librarian is either a member or in attendance. The Librarians are embedded in the life and work as members of the appropriate Board or committee, for example, management, academic, teaching and learning, research, strategic, resource, communications, student :staff committees. This had proved to be an excellent arrangement, and in any new integrated Library service, where the Director of Library Services would be the reporting officer with responsibility, it would be very important that committee attendance by the Affiliate Librarians would continue within the Faculties, Departments and Other Institutions structures so that valuable feed back and comment could continue to be guaranteed. This model should be used as the recommended starting point for other Libraries joining as an Affiliate Library.

Recommendation 3

That the overall responsibility for the governance will be assumed by the new Syndicate (NB the recommendation of the General Board Review was that the present University Library Syndicate should be merged with the General Board's Committee on Libraries) through the Director of Library Services. The Chair of Faculty would therefore no longer have the responsibility for a Faculty, Department or Institute Library

Recommendation 4

That the Faculty, Department or Institute be encouraged to retain the Affiliate Librarians within the existing School structures/committees

It would not be practical, or indeed sensible, in management terms, to have up to 46 Affiliate Librarians of varying levels and responsibilities reporting directly to the Director of Library Services but a measure of coordinated and efficient reporting procedures will be required

The present University Library would need to analyse its operational efficiency within this new structure. It would need to embrace the possibilities within any strategic and operational review. In this event it would be important to ensure that the reporting structures are managerial effective and efficient. The reporting arrangements for the Affiliate Librarians would need to be developed taking into account new structures and the appropriate knowledge and skills base. Should the Director of Library Services opt for a new subject arrangement for staffing then this would influence the type of reporting and job possibilities (see section 5.3 below) but in any event it would prudent for the Affiliate Librarian to be reporting through a senior Library officer to the Director of Library Services. Similarly, it would not be appropriate for 46 Library staff to attend the Senior Management Team (SMT). Much will depend on the new

structure adopted by the Director of Library Services and it is not therefore appropriate to recommend any framework regarding SMT at this early stage.

Recommendation 5

The Affiliate Librarians should report through an appropriate senior Library officer to the Director of Library Services

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

The realignment of Libraries on becoming affiliates offer the University, its staff and students real potential of obtaining coordinated collections, better availability and accessibility of service provision. Succinctly, where appropriate, the Librarians of the Affiliated libraries and the University Library would become part of a coordinated Library service for the University rather than disaggregated collection of libraries with separately occupied discrete buildings and discrete collections. More specifically:

The new Affiliate arrangement will permit the fostering of a new culture of thinking where all the Library staff, in the Affiliated Libraries, and all the staff in the University Library, would be regarded as being equal contributors in and to a unified service. As such all would be part of the fundamental thinking for any new operational and strategic plan

The newly integrated service would offer the potential, where appropriate skills and knowledge exist, for the new service to move towards a subject orientated approach, regardless of format, across the University Library and Affiliate Libraries. More specifically, Affiliated Librarians could be considered for a subject-wide responsibility across the Libraries. At this time the University Library does not cater for this approach. It relies on language specialists who might also have a vital role in any subject review. This would be particularly beneficial at a time when the division between teaching/learning and research is becoming increasing blurred in library materials terms (print and electronic). Also one might bear in mind that "teaching is research led". There could be grounds, in certain circumstances, for appropriate legal deposit material to be placed in the Affiliate Libraries. Collection development policies exist in the more established Faculty, Departmental and Others Institutional Libraries. These policies could be reviewed and blended in with the existing University Library collection development to form a new dynamic policy.

Recommendation 6

That the opportunity afforded by the incorporation of Affiliate Libraries be used to encourage a new culture of thinking and purpose across the libraries

Recommendation 7

That the Director of Library Services considers the potential for a subject approach which would embrace the Affiliate Libraries as well as the University Library

Recommendation 8

That the potential for placing appropriate legal deposit items within the Affiliate Libraries be considered

This new service would allow the potential scope for the collections to be reexamined across the Libraries with a view to providing comprehensive and appropriate coverage in times of diminishing resource. The case for a working Party, with appropriate terms of reference, could be made to facilitate this process. It would also offer the opportunity to reduce unnecessary duplication, save space, reallocate space and materials and create space to allow additional faculty Library collections to be accommodated, or placed in close proximity, to other collections. This rationalisation would assist in the relevant accessibility and availability of collections to the University community. The opportunity provided by the addition of three Affiliate libraries would immediately offer the potential for a review of materials between the University Library and the Sedgwick site Libraries, and for other collections, if so deemed by the University authorities. In a report of this type the

detail could not be defined but the Affiliate Librarians could be to the fore in shaping the future shape of the collect on development. Nonetheless, there may be a case for the creation of posts as Heads of areas which take into account subject groupings. Any fundamental review of this kind will inevitably involve the expenditure of resource both to restructure at a senior level and to obtain suitable help at lower levels for example, to analyse use, transfer of materials and re-catalogue/change records. The General Board made reference to the possible additional expenditure of resource to effect short term and possible medium term changes; this area would be a prime candidate for financial subvention.

Recommendation 9

That the Director of Library Services should, at an early stage, consider setting up a working group, including representation from the Affiliate Libraries, University Library, and others of relevance, and with appropriate terms of reference, to make recommendations on a more effective redeployment of materials and resource for the pursuit of better accessibility and availability to the student and staff community across Cambridge University

Recommendation 10

That, in any review and restructuring, the potential for creation of posts as Heads of area which take into account subject groupings be considered

Recommendation 11

That the effective and efficient redistribution of materials to provide an improved coordinated coverage, accessibility and availability, be accompanied by appropriate additional resource

In conjunction with the better redeployment of materials there would also be the opportunity to review and protect the services to the student community by ensuring coordinated opening hours between the University Library and the Affiliate Libraries. At present there is an uncoordinated approach to the provision of opening hours. The Affiliate status and reporting procedures could be used to good purpose so that a coordinated provision could protect and guarantee opening on an apposite and systematic basis. This has more relevance as more Libraries obtain the same online facility while there is some evidence to suggest that students wants quiet study space and not always specific material during the evening hours. More specifically the University Library and the three Affiliate Libraries on the Sedgwick site could agree and source opening hours which would ensure agreed levels of availability and accessibility within optimum resource costs.

Recommendation 12

That the Director of Library Services explore the potential with the University Library and Affiliate Libraries for agreed optimum opening hours which would protect the accessibility and availability of material within cost effective resource provision

There would also be the potential to explore how the Affiliate Libraries could protect the front-of-house service support and explore the potential to reduce workloads that might be done more efficiently (economies of scale) by a technical support team employing appropriate technology within the overall new service. The potential for such matters as ordering, cataloguing, classification, standard of cataloguing records, standards in general, shelf-ready material as well as many other areas could be determined by this new grouping. In any such arrangement it would be necessary to ensure that Affiliate/subject material was not held up in backlogs and identified for fast tracking. It would also be hoped that the realignment of back-of-house services would allow a more targeted efficiency and might give an added impetus to increased standardization of cataloguing records and the possibility of a faster turn round time (a study would be needed).

Recommendation 13

That the Director of Library Services, in any subsequent strategic review, which would include affiliate representation, should bear in mind the potential for a realignment of front-of-house and back- of-house across the new library service arrangement (that is including the Affiliate Libraries)

5.4 General staffing considerations and benefits

The staff in the model being advanced should be afforded equal treatment whether in the University Library or affiliate libraries. It thus follows that the Affiliate staff who retain their contractual rights and conditions of service would also benefit from being afforded clearer and more obvious opportunities for promotion and, where appropriate, be able to be considered for transfer to other jobs to provide more rounded career opportunities and development. This should assist the service in underpinning the potential for continuity of staffing and succession planning. The University will therefore benefit from retaining and developing a wider pool of staff drawn from the University Library and Affiliate Libraries

The Affiliate Library staff would also be able to avail themselves of the support in the areas of human resources and administrative support. As more Affiliates join there will be a need to explore additional human resource and financial administrative support.

It would also be an excellent opportunity for staff in the University Library to acquire and share specialist information and advice from the Affiliate Library staff and vice versa.

The new service model will also offer Affiliate Library staff wider training and development opportunities and permit them to enrich the process by offering their expertise too.

Further, the new model with the inclusion of Affiliate Libraries will also enrich the strategic planning process for the new library services of the University.

Recommendation 14

That the Director of Library Services be mindful of the specialist expertise that the University Library staff and Affiliate Library staff would bring to the new service, the potential for promotion, training and development opportunities and the enrichment of service to the staff and students of the University by involvement in the planning of the future service and the benefit for continuity of service and succession planning

Recommendation 15

That attention will need to be given to the provision of additional resource for human resources and financial administrative support as the number of Affiliate Libraries increase

5.5 Finance and related transfers

The predicated new model and opportunities proposed above is not only dependant on the need for a Director of Library Services but also on there being a guaranteed and protected stream of revenue with which the Director can administer support to the new Library service.

The University Library would not have sufficient funds within its own remit to support the newly designated Affiliate Libraries.

The thirteen Libraries of the School of Humanities and Social Sciences Libraries have had an allocation of the order of approximately £1.5 million annually and of that approaching £200,000 is ring fenced for the Journal Coordination Scheme, £1,200,000 for staffing, and the remaining allocated to other headings including materials. In addition funds are also allocated from Trust, Donations Funds and Internal trading accounts.

The 2008/2009 actual expenditure as provided by the School of Humanities and Social Sciences for the three Libraries (Economics, History and Institute of Criminology) is presented below in the table.

HSS 2008/09 actual

Economics Library Expenditure		Budgets	
Stipends ABAA	90,490.00	89,454.00	
Wages ACAA	70,748.00	<i>78,539.00</i>	
Other Costs AAAA <u>Income</u>	57,115.00	60,061.00	
Marshall Library Fund AAAA	-21,384.00		
Other Costs Credits AAAA	-16,994.00		
History Library			
Expenditure			
Stipends ABAA	56,093.00	55,776.00	
Wages ACAA	87,657.00	99,500.00	
Other Costs AAAA Income	35,244.00	44,330.00	
Seeley Fund AiA	-4,342.00		
Criminology Library Expenditure			
Stipends ABAA	37,516.00	11 216 00	
ouponds /tb/vi	37,310,00	41,216.00	(CCE
Wages ACAA	39,642.00	65,599.00	(CS5 Vacancy)
Other Costs AAAA Income	4,891.00	4,431.00	
Trading GAAA	-153.00		

An analysis of the three budgets would indicate that the overwhelming portion of the budget is absorbed by staffing. With the recent decision to deduct a sum for the Journal Coordination Scheme, which is administered by the University Library, a relatively small amount is left for purchase of other materials. Trust funds, donations funds and internal trading accounts are increasingly being used to support core material and balance the budget.

It is, therefore, of paramount importance that the necessary funds be transferred from the Faculties, Departments and Other Institutions to allow the effective and efficient running of the integrated service by the Director of Library Services. The allocation to be transferred must be fair and equitable. It should be based on an average allocation given over the last five years rather than the last year. Information from the School secretariat will need to be sought.

It will also be important to ensure that the necessary Trust funds, Donation accounts, and internal trading accounts are also transferred. It is recognised that Trust fund clauses need to be explored and honoured.

The University Library can only work with the money it is allocated. It has no spare funds to supplement the desirable new service proposal. Its major advantage will be that it can pool funds and service to make a more coherent cost effective service.

However, caution is required. Should an actual reduction, or, a 0% increase in the University Library budget for the coming years be equally applied to the new Affiliate Libraries then, in effect, there will be a double hit applied to the Director of Library Services who would then also be required to cover for any shortfall in funding particularly arising from the Affiliate staff budget. It is recommended that a safety-net provision be applied to increase costs caused by the addition of the Affiliate Libraries.

Recommendation 16

That the funds presently granted to the Faculty, Department and Other Institutions (calculated over the average expenditure over the past 5 years) be transferred to the Director of Library Services for the financial year 2010 -2011 onwards. The sum should include provision for the finance given from Trust Funds, Donation Funds and internal trading accounts.

Recommendation 17

That the Director of Library Services should receive safety-net funding to protect against the shortfall of funding for the University Library and Affiliate Libraries should a reduction or 0% increase be applied to its budget in the coming years

There are additionally two areas in this model which will require further discussion, clarification and resolution between the Library service and the Faculties, Departments and the Other Institutions.

Firstly, as part of the transfer of the Library service there may be a need to draw up a service level agreement together with appropriate payment/arrangements covering how the defined library service space will be paid for in terms of heating, lighting, maintenance, cleaning, fixtures and fittings and the fabric. Various arrangements both formal and informal exist at present within the Faculties and Departments and Other Institutions. It may be appropriate to decide on a one-to-one basis for the best way forward through a flexible solution which ensures recurrent funding. It is understood that minor works and structural matters are dealt with through Estates but it may be important to be assured of this arrangement before transfer. There would be no possibility of the University Library paying for the above from its existing funds

Recommendation 18

That where appropriate service level agreements concerning heating, lighting, cleaning, maintenance of the building, fixtures and fittings, furnishing be identified and future funding agreed with the Faculty, Departments and Other Institutions and that whatever arrangements made to ensure that the University Library would not be able to take on such commitments without guaranteed recurrent funding

Secondly, there will also need to be a resolution about the responsibility for delivering and financing, through recurrent subvention, IT equipment, staffing support and IT maintenance, the networks and equipment. Again, the University Library would not be able to pay for this additional cost from its own present budget. It might be wise to be mindful that local site service support is normally preferable to meet the needs of the staff and students.

Recommendation 19

That the type and cost of IT equipment, associated maintenance and computing support be identified and agreement reached with the Faculties, Departments and Other Institutions. The University Library would not be able to take on this additional cost without recurrent financial subvention

5.6 Publicity, promotion and logo

The model which combines the University Library with the Affiliate Libraries would require for there to be much clearer and transparent information about the availability and accessibility of the collections and service levels. The whole student and staff community would be entitled to know of the services available across the libraries. It would be incumbent on the Library service to promote and publicise the types and levels of service to be enjoyed by the community.

In order to signal the equality of opportunity and equality of service it may be timely for the University Library, as well as deciding on a new title to describe the service, to consider the commissioning of a new logo which more accurately represents the Library service rather than sustain the building-centric perception.

Recommendation 20

That the Director of Library Services consider the desirability of providing clear and transparent on-going information about the new services following the addition of the affiliate libraries.

Recommendation 21

That the Director of Library Services may wish to consider the desirability of a new logo being commissioned which more accurately reflects the new service provision

5.7 Working parties and ad hoc working groups

Once the framework for a new federal model for Library services of the University is agreed between the University Library and Affiliate Libraries, there will be a need to get down to a level of complexity concerning the detailed implementation (beyond the scope of this report).

However, it is important to recognise that the extent of the success of this new working arrangement will be dependent on this detailed examination of each of the areas. The Faculty and Departmental and Other Institutional Library staff, together their Heads, and the staff of the University Library, share the onus to deliver solutions. The Library staff will be the key to the identifying and proposing of such solution. No one solution will necessarily suit all. It is therefore imperative that a range of working parties and ad hoc groups, with appropriate terms of reference, be established to address the work programmes and resolve details, standards, rules, regulations and make further informed recommendations and decisions.

Empirical evidence will be required and such information can be derived from user surveys and use data, for example, the Arcadia Studies at Cambridge University Library or individual use studies such as that of Faculty of Economics Library which measured number of uses of collections.

Recommendation 22

That, with regard to the detailed arrangements required for the new relationship, the Director of Library Services draws upon the expertise from the University Library staff and the Affiliate Library staff through the medium of working parties and ad hoc working groups with appropriate terms of reference

5.8 Timescale

5.8.1 Affiliates

The sections above provides a framework which demonstrate the potential and benefits to be derived for the staff and students of the University and for the Library staff, from the creation of a new service consisting of University Library and Affiliate Libraries. The time is now right to offer an integrated and seamless service and work towards its delivery. The alternative is a reactive approach with the risk of stagnation and death by a thousand cuts. The genuinely proactive approach advocated in this Report pools the resources to protect the collections, availability and accessibility to the Cambridge community. The student is not interested in who offers the service but rather that his or her needs are readily available and accessible at the right time and will support their teaching and learning endeavour (research is

not the subject of this report). The Report demonstrates that there is sufficient symbiosis to offer services of quality in a time of diminishing resource. This is not the moment for inward looking service provision but rather a time to ensure that there is a joined-up service.

However, to achieve this will require a change of culture in which the wider service demands across the University are foremost rather than specific building-centric approach. It has to be a type of thinking which recognises that no building can be self-sufficient. The only sustainable way forward is to share and coordinate resource and utilise the existing staff experience across the University, reduce unnecessary duplication and protect the student learning and teaching experience.

Accordingly, it is now time to act. Officers of the University should be alerted to the desirability of the three Affiliate Libraries being included with the University Library in the 2009 Planning Round (for 2010-2011). Further that these three Libraries assume Affiliate status in August 2010. During, and following the smooth transition of the first tranche of Affiliate Libraries, it is envisaged that there would be a timely, coordinated and systematic programme, in conjunction with the Schools and their Departments, Faculties and other Institutions, to increase the number of Affiliate libraries. Early and prioritised admission to the new arrangement might be desirable at it could increase the potential for the Affiliate Librarians to contribute to the future operational and strategic direction. This process is likely to be time consuming and the Director of Library Services, although not expressed as a recommendation, might wish to give some detailed consideration as to the staffing required to ensure the process is overseen and achieved in a seamless and timely manner. Recommendation 23

The Economics, History and the Institute of Criminology Libraries assume Affiliate status in August 2010 and that the time before then be used to progress the detailed requirements to ensure a smooth transition

Recommendation 24

That the University authorities be requested to consider the three Affiliate Libraries, in conjunction with the University Library, for the 2009 Planning Round (referring to the year 2010-2011)

5.8.2 College Libraries

It will be important for the newly configured university-wide Library service to enter into even closer liaison with the College Libraries over the extent of provision and availability of resources between the two groupings. (Colleges were not part of this study). It is recommended that the new Board which replaces The General Board Committee on Libraries and the Library Syndicate will deliberate on this matter and provide some guidance. Recommendation 25

That the new Library Board give consideration to the closer working relationship between the newly formed wider Library Service and the College Libraries

6. THE WAY FORWARD

It is suggested that, at the appropriate time, this Report be circulated, *inter alia*, to all appropriate authorities and to the Library staff of the University Library and the Library staff of the three Faculty, Departmental and Institute Libraries.

The staff in those three Affiliate Libraries can be involved in influencing the strategic and operational developments and any restructuring requirements. Subsequently, more Affiliates will join on a coordinated and consistently agreed basis with the Schools.

The framework in this Report has been proposed which offers an incremental and coordinated approach. It is one that ensures a proactive approach will be taken and the service protected for the good of the entire University of Cambridge community. It is not designed to protect only one group but offer economies of scale and a pooled resource to all the staff and students of the University.

Finally, in view of the express need to keep the staff fully informed, it may be appropriate for a facilitated session to be convened to discuss the Report in the event that such a demand becomes apparent.

7 October 2009 AFM /JJM

Appendix A

List of those interviewed one or more times for this study

[name redacted]

Past Chair, Council of the School of Humanities and Social Sciences

[name redacted]

Chair, Council of the School of Humanities

and Social Sciences

[name redacted]

PVC, Human Resources and

Chairman Review of T and L Support

Services .

[name redacted]

Research Skills and Development Librarian,

University Library

[name redacted]

Librarian, Faculty of Education

[name redacted]

Secretary of School of Humanities and

Social Sciences

[name redacted]

Librarian, Institute of Criminology

[name redacted]

Head of Reader Services, University Library

[name redacted]

University Librarian

[name redacted]

Systems Support Librarian, University

Library

[name redacted]

Head of Electronic Services and Systems,

University Library

[name redacted]

Head of European Collection and

Cataloguing, University Library

[name redacted]

Acting Deputy University Librarian

[name redacted]

Librarian Central Science Library

[name redacted]

Librarian, Judge Business School

[name redacted]

Head of Collection Development and

Description, University Library

[name redacted]

Librarian, Economics Faculty

[name redacted]

Librarian, History Faculty

[name redacted]

Librarian, Law School

Annual Report of the General Board to the Council for the academical year 2008–09

- 1. Introduction
- 1.1 The General Board present this Annual Report on their work during the academical year 2008–09.
- 1.2 The announcement in December 2008 of the outcome of the Research Assessment Exercise (RAE) in which 71% of the University's submitted research was judged to be world-leading or internationally excellent, placed Cambridge at the head of the league tables into which the national media rapidly translated the results. While this was a cause of celebration across the University, the detailed feedback from the panels (of which there was much) signalled the need for review in a small number of subjects if the University's leading position is to be maintained. Against the background of pressures on public funding, as a consequence of the recession, further enhancing our research standing and improving our success rate in winning the external funds leveraged by the HEFCE 'R' grant will be vitally important and a high priority for the Board in the coming years.
- 1.3 Turning to teaching, the Board and their Education Committee have devoted much attention to the Institute of Continuing Education (ICE) including undertaking a strategic review and a major exercise to convert local awards to University awards within a revised quality assurance framework.
- 2. Internal and national arrangements for quality assurance and enhancement
- 2.1 Following the Quality Assurance Agency (QAA) Institutional Audit of the University's educational provision in 2008 work has continued, through the Education Committee, to consider the Audit's recommendations. Faculty and Departmental annual quality statements have been replaced by a 'quality update', from 2008–09, in response to the QAA's observation that quality statements were not sufficiently evaluative as a form of annual monitoring. The new process will also enable the Education Committee better to maintain oversight of current topics of interest, and to identify and consider issues which would benefit from a University-wide response in time for the following academical year.
- 2.2 In the light of another of the Audit's recommendations, the Education Committee developed a frame-

- work for conversion of the certificates and diplomas offered by ICE (and awarded to non-members of the University) into University awards, which was approved by the Regent House in February. The arrangements also encompass qualifications offered by other institutions, including the Language Centre, the Faculty of Education, the Cambridge Programme for Sustainability Leadership (see 2.4), and the Faculty of Divinity. The Education Committee undertook an exhaustive review of local quality assurance procedures to bring them into line with those for other University awards. The revised framework includes an expectation that all courses are endorsed by the relevant Faculty Board or, for postgraduate provision, Degree Committee. The Board regard this as an important step towards the better integration of ICE's work within the wider University (as proposed following their Strategic Review of ICE (see 2,4)). The Board have approved 39 diplomas and certificates to be offered with effect from September 2009, and further proposals will be considered during the course of 2009-10.
- The following institutions were the subject of the Board's Learning and Teaching reviews: the Institute of Astronomy; the Computer Laboratory; the Departments of Engineering, Land Economy, and Plant Sciences; the Centre of Latin-American Studies; the Faculty of Modern and Medieval Languages; and the Research Centre for English and Applied Linguistics. Reports of the reviews of the following institutions were considered during the year and recommendations arising from them taken forward: the Departments of Architecture, Engineering, History of Art, and Physiology, Development, and Neuroscience; the Faculties of Archaeology and Anthropology, Classics, and Economics, and Judge Business School. The Centre for Research in the Arts, Social Sciences and Humanities was also subject to a review which led to the renewal of its core funding and its incorporation within the School of Arts and Humanities.
- 2.4 The Board approved the report of a Strategic Review of ICE and will be implementing the main recommendations of that review in cooperation with the incoming Director of the Institute and its new Strategic Committee. The Board agreed to retitle the Cambridge Programme for Industry (CPI), as the University of Cambridge Programme for Sustainability Leadership (CPSL).

- 2.5 A number of the University's teaching programmes are subject to scrutiny by professional, statutory, and regulatory bodies. During the year the Board were pleased to note the positive reports on aspects of the University's provision from: the Royal College of Veterinary Surgeons, the British Psychological Society, the Association of Masters of Business Administration, and the Office for Standards in Education.
- 3. Degrees, courses, and examinations
- 3.1 A consultative Report of the Board and the Council proposing that the award of the B.A. Honours Degree should require candidates to have passed a Part II examination was published. This proposal was endorsed by the QAA as necessary to ensure that the Cambridge B.A. is consistent with the national Qualifications Framework for Higher Education. A Report proposing the necessary legislative changes will be discussed early in the Michaelmas Term 2009.
- 3.2 The Board approved numerous proposals for the revision of teaching programmes, including the suspension from the Modern and Medieval Languages Tripos of Modern Greek and Dutch, with effect from October 2010 and October 2011 respectively, as languages which applicants may choose on application to the University; and the introduction of new Part III courses in History and Philosophy of Science and in Systems Biology within the Natural Sciences Tripos.
- 3.3 Following the pattern of the four-year integrated Masters courses in the Chemical Engineering, Engineering, Manufacturing Engineering, and Natural Sciences Triposes, the Board and the Council published a Report proposing that: the fourth year (Part III) of the Mathematical Tripos should lead to a new Master's Degree, the Master of Mathematics; and the Certificate of Advanced Study in Mathematics (awarded to students who come to Cambridge to take Part III Mathematics not for honours), be replaced by a new Master's qualification, the Master of Advanced Study. In parallel, some Part III subjects within the Natural Sciences Tripos will be made available to students from outside Cambridge for the Master of Advanced Study. Following approval of the Report, the introduction of the two new degrees is subject to Privy Council approval.

3.4. New M.Phil. courses were approved in: African Studies; Conservation Leadership; Multidisciplinary Gender Studies: and Translational Medicine and Therapeutics. In addition, the Board approved the first M.Res. course, in Photonic Systems Development. The M.Phil. course in Chinese Studies was rescinded with effect from 2010–11.

4. Graduate education

- 4.1 The Annual Report of the Board of Graduate Studies (BGS) for 2008–09 will be published at a later date but the Board take this opportunity to include a summary of key business considered by the Board in 2008–09.
- 4.2 In line with recommendations made by the Committee for the Review of Graduate Education, the BGS approved three new pilot schemes for the partial devolution of the admissions process in the Department of History and Philosophy of Science, in the Faculty of Music, and in the Schools of the Biological Sciences and Clinical Medicine.
- 4.3 The BGS agreed, in response to a small number of particular concerns, that the general issue of graduate supervision and reporting should be addressed as a priority. A project to improve the online supervision reporting system, CamGRAD, was agreed for phased implementation in 2009–10. Following consultation with Degree Committees the BGS Code of Practice will be revised and formally adopted with effect from 2009–10, requiring inter alia that the supervisors of Ph.D. students report termly.
- 4.4 The BGS also approved guidelines for the conduct of examinations by remote means and made provision for the appointment of independent Chairs for Ph.D. examinations. The Board approved in principle the introduction of electronic submission of Ph.D. theses and will work with the University Librarian in pilot schemes. A common marking scheme for M.Phil. examinations will be adopted from 2010–11.
- 4.5. In response to the regrettable announcement in summer 2008 by HEFCE of the termination of the Overseas Research Studentship (ORS) Awards Scheme, the BGS, working in collaboration with the Cambridge Overseas and Commonwealth Trusts, introduced the Cambridge International Scholarships Scheme (CISS). In the 2009 competition

- the CISS Committee awarded 76 scholarships, providing full support for fees and maintenance: to the most outstanding applicants nominated by Degree Committees.
- 4.6 In 2008 the University received 54 fewer Arts and Humanities Research Council (AHRC) awards than in the 2007 competition. This reduction was partially compensated by increased contributions from the Isaac Newton Trust, the University, and the Colleges which enabled 25 additional students in AHRC subjects to be funded through the Domestic Research Studentships (DRS) scheme. The AHRC Block Grant to the University announced in the course of the year resulted in Cambridge receiving fewer awards than expected as a result of the AHRC reducing its national allocation. Given current funding difficulties, it is the case that the University will have to look to is own resources, both internal and external, to sustain the flow of outstanding research students on which the University's research excellence depends. Accordingly, schemes such as CISS and the DRS will have an important role to play in ensuring that as many Ph.D. students as possible, including students from subjects not eligible for Research Council support, are funded.

5. International activities

- 5.1 The Board considered and supported proposals for various international collaborations, including a collaboration between Judge Business School (JBS) and the Karachi Education Initiative in Pakistan and an initiative to develop capacity building in the JBS to provide executive training in Abu Dhabi. They approved the renewal of the University's membership of the International Alliance of Research Universities (IARU) for the next three years. The Board reiterated the need to assess thoroughly both the opportunities for the University and reputational and other potential risks when considering new international activity. A protocol setting out criteria for the consideration of future proposals will be developed during 2009-10.
- 5.2 Through the work of the International Office, the Board noted that activity under the Erasmus scheme had increased five-fold since 2005, and that a second cohort of students had been selected to participate in the IARU Global Summer Programme.

- 6. University finance and planning
- 6.1 The Board engaged in discussion based on a series of presentations by Heads of Schools of their respective December 2008 planning round submissions. These discussions are an important opportunity for Heads to explain their Schools' distinctive contributions and concerns, and for the Board to consider any common themes as a basis for future work.
- 6.2 Throughout the Lent and Easter Terms the Board were closely engaged in the preparation of the Budget Report 2009 and the University's consideration of its response to the worsening financial climate because of changes in the national and external environment (including pay, pensions, and energy costs). Without action, there would be a significant Chest deficit from 2009–10 rather than the surpluses envisaged only a year earlier. The Board endorsed immediate measures to control appointments to signal that 'business as usual' was not an option and the likelihood of the need for future action to balance expenditure and income.

7. Capital programme

- 7.1 The Board have endorsed the academic cases for: the relocation of more academic departments to West Cambridge (particularly Materials Science and Metallurgy, and Chemical Engineering and Biotechnology); and the proposal for a new building on the Sidgwick Avenue Site that would bring together the Department of Politics and International Studies with CRASSH and five Centres, currently housed in a variety of buildings in central Cambridge.
- 8. Establishment of new senior positions
- 8.1 As a result of a generous benefaction raised through the 800th Campaign the Board proposed the establishment of a Tata Professorship of Metallurgy.
- 8.2 With the support of an award from the Arts and Humanities Research Council the Board proposed the establishment of a Professorship of Musical Performance Studies.

- 8.3 in addition, the following Professorships and a Readership were established supported on general University funds by the reallocation of recurrent funding within the Schools concerned:
 - a Professorship of Statistics in Biomedicine in the Clinical School
 - a Professorship of Veterinary Diagnostic Pathology in the Department of Veterinary Medicine
 - a Professorship of Molecular Pathology in the Department of Pathology
 - a Professorship of Clinical Microbiology (together with funding from the Health Protection Agency) in the Clinical School
 - a Readership in the Department of Chemistry.
- 8.4 The Board recommended the retitling of the Professorship of Botany as a Regius Professorship.
- Research policy and the Research Assessment Exercise
- 9.1 The outcome of the 2008 RAE for the University announced in December 2008 was very satisfactory overall and the results justified the University's decision to be as inclusive as possible in selecting staff for inclusion. Following the receipt of more detailed feedback in January 2009, individual results for certain subjects were reviewed by Heads of Schools with the Pro-Vice-Chancellor (Research) and their recommendations to the Board led to the establishment in the Easter Term of Committees to review separately the submissions to the History of Art, Veterinary Medicine, and Sociology RAE Panels. The Review Committees for the first two subjects have already reported to the Board and follow-up actions are under way at the School or Departmental level. In the case of Sociology, the Board agreed to an early recommendation from the Review Committee that the remit be extended to consider the provision of research, teaching, and learning in the social sciences in the University as a whole. A separate Committee was set up for this purpose and has met five times to date with the intention of producing a preliminary report to the Board before the end of the Michaelmas Term 2009.
- 9.2 In last year's Report, the Board reported that HEFCE intended to hold a bibliometrics assessment exercise for STEM (science, technology, engineering, and medicine) subjects in 2010 which was to influence funding allocations in these areas from 2011. In the event, HEFCE decided that the results of their

- bibliometrics pilot exercise, in which the University participated, demonstrated that the UK HE sector was not sufficiently robust in terms of electronic research publication data collection and the 2010 exercise was cancelled.
- 9.3 A consultation exercise with the sector for the successor to the RAE, the Research Excellence Framework (REF), was launched by HEFCE on 21 September 2009 about the conduct of a full-scale REF exercise in 2013, with a census date in the autumn of 2012. For the first time, HEFCE will expect REF Panels in STEM subjects to take account of citation indices when assessing research excellence. All other Panels will be able to use such data at their discretion. A further proposed innovation is the introduction of research impact in place of esteem as one of the three determinants of research quality. Responding to the consultation will be a major task for the Board in the Michaelmas Term 2009.
- 9.4. As well as overseeing and responding to proposals for the development of the REF, the Board's Research Policy Committee has received regular management information to monitor research performance, reviewed policies and structures, and promoted a number of new research initiatives.
- 9.5 Research activity grew in 2008-09 compared to 2007-08, in particular:
 - (i) Research income grew by 11% compared to 2007-08. Most of this growth appeared in grants from the European Commission and the UK Government. The Research Councils and UK Charities continued to be the main sponsors generating 46% and 27%, respectively, of the University's total research income; and,
 - (ii) The value of the applications and contracts submitted to the funders increased by 14% to £1.2 billion. However, based on the applications submitted to the Research Councils over the years from 2005–06 to 2007–08, the success rate in the number of applications has fallen over these years. Nevertheless, according to the Research Councils' published data for 2008–09, Cambridge has the highest success rate when compared to its major competitors Oxford, UCL, Imperial, and Manchester.

- 9.6 Following consideration by the Research Policy Committee, new procedures were implemented for the authorization of research grant applications and of eligible expenditure, with the result that the FAP (Financial Audit Programme) audit conducted by the Research Councils UK during the year produced a highly satisfactory report.
- 9.7 Over the past year, a key achievement has been the development of a policy for institutional recognition, and support for, strategic initiatives and networks. Current such initiatives include the Cambridge Conservative Initiative, the Cambridge Environmental Initiative, the Cambridge Infectious Disease Initiative, and the Physics of Medicine Initiative.
- 9.8 Finally, the Research Policy Committee endorsed the Director's proposals for the restructuring of the Research Services Division involving the formation of four school teams to support the Schools' and Departments' goals and objectives. The new school teams are Clinical, Biological, Arts and Humanities & Humanities and Social Sciences, and Physical Sciences & Technology.

10. Human Resources

- 10.1 The Human Resources Committee reports jointly to the Council and the General Board. Major items of business considered by the Board included: the consultation on the reform of Statue U; policy on religion and belief; the Equal Pay report; the restructuring of staff development provision; and measures to improve the gender balance in academic posts. The Board issued guidance notes on the appointment of Heads of Departments and on the procedure for the elections of Professors. The Board initiated a review of the Senior Academic Promotions Procedure.
- 10.2 The Board were pleased to note the success of the Heads of Institution Leadership Programme. Through the Heads of Schools the Board took a close interest in the restructuring of the Human Resources Division, in particular the formation of six School-focused operational teams.

11. Health and safety

- 11.1 The Board continued to pay close attention to health and safety matters through the minutes of the Health and Safety Executive Committee, chaired by Professor Minson, in addition to his duties as Pro-Vice-Chancellor for Planning and Resources. The attention given to Health and Safety throughout the University is reflected in the decrease for a fourth consecutive year in the number of reportable injuries in the University, although enforcement authority inspections have remained at the same frequency as previous years including pro-active visits by the HSE, rather than in response to accident and injury.
- 11.2 Following the appointment of a new Director of Health and Safety the remit and membership of the Consultative Committee for Safety and the safety sub-committees supporting it were revised to strengthen links with the recognized Unions, broaden employee consultation and maintain a 'risk-focused' approach to safety management.
- 11.3 The Safety Office was also restructured operationally into 'School Groups' with each designated officer assigned to one School with a remit to improve communication, liaison, and support at School and Department level whilst benefitting from the skills and experience of the Full-Time Safety Advisers located in certain Departments and the School Safety Advisers in the Biological Sciences and Clinical Medicine.

12. Teaching and learning support services

- 12.1 Following the Board's consideration of the Report of the Review Committee for teaching and learning support services, an implementation Steering Group, chaired by Professor Cliff, was set up by the Board to progress the implementation of the report, in the light of consultation with Faculties, Departments, and Schools.
- 12.2 The Group have so far considered the responses to the consultation and has held meetings with the Heads of those institutions most closely involved the University Library, University Computing Service, Language Centre, and Centre for Applied Research in Educational Technologies. In addition, the Group held an open meeting in March 2009 with Departmental and Faculty Librarians.

- 12.3 The Board are clear that the review of learning and teaching support services is serving as a catalyst for the development of a framework for improved communication with Faculty and Departmental Librarians 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. The Board are sensitive to the need for the transition to the new structures recommended by the review to be a consultative process, realistically paced.
- 12.4 The Board noted the successful integration of all Schools into the scheme for the co-ordination of journals and the creation of a central administered fund for journal subscriptions, which will be operational from the start of the financial year 2009–10. Discussions are proceeding about the duplication of journals between the Colleges and between the Colleges and the University.

4 November 2009

Alison Richard, Vice-Chancellor
N. Bampos
William Brown
Philip Ford
Simon Franklin
Andrew Gamble
Rachel Padman
J. Rallison
Jeremy Sanders
J. G. P. Sissons
I. H. White
Yang Xia

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 Registrary should consider the general policy on publishing such reports and advise the central bodies appropriately.

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Doc 11

NOTICES BY THE GENERAL BOARD

Learning and Teaching Strategy, 2009–12: Notice
Review of Teaching and Learning Support Services Report July 2008

Learning and Teaching Strategy, 2009-12: Notice

The University's Learning and Teaching Strategy sets out University-wide priorities in teaching and learning; it is available at http://www.admin.cam.ac.uk/offices/education/strategy/index.html.

The General Board have overall responsibility for oversight of the strategy. Working through its Education Committee the Board will review the strategy each year, taking account of other University strategies which bear on teaching and learning. The General Board will agree and periodically review an action plan consistent with this strategy. The action plan will also be published on the Education Section's website (http://www.admin.cam.ac.uk/offices/education/).

Review of Teaching and Learning Support Services Report July 2008 1

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- 4. Changing environment
- 4.1 Background
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- 5.1 Teaching and learning support online
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- 6. Summary of recommendations
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8. Appendix: list of papers received by the Review Committee

1. Introduction

At their meeting on 6 June 2007 the General Board considered proposals from the Pedagogic Support Providers Coordinating Group for the improved coordination of central support for teaching currently provided, albeit in a fragmented way, by various institutions including: the Language Centre, the University Computing Service (UCS), the Centre for Applied Research in Educational Technologies (CARET), Staff Development, and the Academic Division. In particular the Board considered whether to set up a Pedagogic Steering Group, as a first step, as recommended by the Education Committee. The Board agreed not to proceed immediately with that recommendation, but to await the outcome of further discussions by the officers about the appropriate structure, taking account also of the review of the future of CARET which is coming to the end of its current phase of funding.

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 expansior 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.

The membership of the Committee was:

Professor Andrew Cliff (Chairman)

Professor Tony Badger

Dr Nick Bampos

Mr Peter Coulthard

Mr Simon Lebus

Professor Melveena McKendrick

Professor John Morrill

Ms Jan Wilkinson

Professor Steve Young

Graham Allen (Secretary)

Julian Evans (Assistant Secretary)

(PVC Human Resources)

(Chairman of the Colleges Committee)

(Senior Tutor, member of the Council and General Board)

(Academic Affairs Officer, CUSU)

(Chief Executive, Cambridge Assessment)

(PVC Education)

(member of the Library Syndicate)

(University Librarian and Director of the John Rylands University Library,

University of Manchester)

(Chairman ISSS, and of the Management Committees of the Language

Centre and CARET, member of the Council)

(Academic Secretary)

(Academic Division)

2. Process

The Review Committee held four meetings between February and June 2008. They considered a wide range of documentary evidence (listed in Appendix 1) including submissions received following the publication of a Notice in *Reporter* on 20 February 2008.

The following individually attended a meeting with the Review Committee, to discuss their perspective on the terms of reference:

- Dr Andrew Brown (Managing Director, Academic and Professional Publishing, Cambridge University Press);
- Mr Peter Fox. University Librarian:

- Professor Sir Richard Friend (as Chairman of the Journals Coordination Steering Committee):
- Mrs Anny King, Director of the Language Centre;
- Dr lan Lewis, Director of the UCS;
- Mr John Norman, Director of CARET;
- Professor Richard Taylor, Director of the Institute of Continuing Education.

3. Overview of institutions involved

3.1 The UL

3.1.1 Background

The Standard Review of the UL in 2004 highlighted a number of key issues to the General Board. The main recommendations were that: a post be created to coordinate journal purchasing and the sharing of resources across the University and, in time, to find ways in which the entire library system can be streamlined and more effectively coordinated; the Library Syndicate and the Committee on Libraries be merged; the Library be spared further funding cuts even if this resulted in a further drain on other resources. In the longer term it was thought that more radical solutions were likely to be necessary to address the perception of the under-resourcing of critical services.

The submission from the UL in the Planning Round 2007 reiterated the concerns about funding in particular the need for the above-inflation increases to meet the rising costs of journals and staff. The Journals Coordination Scheme is now in operation in three Schools, and two more Schools are expected to join in 2008/09; some cancellations have been made, and duplication eliminated, reducing the impact of rising prices.

3.1.2 Resources

Total library direct expenditure in the University and Colleges is now over £20M. ^{1a} Within the University libraries about 75% of the £18.5M expended (2006/07) and 75% of the 440fte staff, are in the UL and its four dependent libraries. Outside the UL and its dependents, 46 Faculties, Departments and other institutions have their own libraries.

Oxford's library expenditure is known to be relatively high, reported at £28M in 2005/06.

SCONUL² data extracts (2005/06) indicate that total library expenditure at Cambridge, per user or student, is second only to Oxford³ and significantly higher than most.⁴ Expenditure on library staff at Cambridge, as proportion of total library expenditure, is average for UK HE institutions.

Expenditure on journal subscriptions across the University of Cambridge is about £3.7M in total (2006/07) of which:

- about £2.9M is made by the UL and its dependents, including the £1.5M though the Journals Coordination Scheme (JCS);
- (ii) about £600,000 is made outside the JCS by Faculties and Departments, £400,000 from University Education Fund (UEF) monies and £200,000 from non-UEF sources.

3.1.3 Quality of Services

The recent review of HEFCE funding for research libraries (Professor Sir Ivor Crewe, March 2008), for example, presented Cambridge UL in a strong light as follows:

'Cambridge

The scale, distinction and uniqueness of the Cambridge University Library collection are reflected in the quality of the services and facilities it offers external users. Particularly strong features include the complete digitisation of, and thus remote online-access to, the main catalogue and all rare books, the almost complete digitisation of the manuscript catalogue (at the collection level), the ambitious rolling programme of digitisation of special collections and the extensive volume of e-journal subscriptions. The immensity of CUL's holdings restricts open access to about 30% of its collection but this is mitigated by an online advance ordering system and a rapid fetching time (18 minutes). Comment from external users in the consultation was overwhelmingly positive (all 46 user-respondents rated it "excellent" or "good"), with particular reference to the quality and depth of the collection. Opening hours (59.25 hours a week for most of the year), which exclude Sundays and mid/late evenings, are more restricted than in some other major research libraries. CUL participates in the inter-library ioan system but does not permit borrowing by external users (for which some respondents expressed disappointment) and has not joined the two main national borrowing schemes, UK Libraries Plus and SCONUL Research Extra, on the grounds that it would be overwhelmed with borrowing requests were it to do so."

'Oxford

The world stature of Oxford's library collections is reflected in the feedback from the user-respondents in the consultation exercise, who in most cases emphasized the depth and uniqueness of material available. However, in contrast to Cambridge, LSE and Manchester, some features of Oxford's library services and facilities were found wanting, notably the combination of closed access (73% of the main collection) and very slow fetching times (almost two hours for

same day requests from the main stack, half a day from the repository and 2–3 days from store). Users expressed disappointment at the absence of borrowing rights: the Bodleian is a reference-only library and in parallel with Cambridge does not belong to the two national borrowing schemes. External users were also frustrated by the limited opening hours especially at weekends and out of term. A partly compensating feature of OULS is the comprehensive online catalogue comprising almost the entire Bodleian collection and the significant future digitisation programme for holdings including the Oxford-Google Digitisation Project (one million items alone), by far the most ambitious of any of the research libraries.'

3.1.4 Support for Teaching and Learning

The UL has traditionally supported the research needs of postgraduate students and academics whilst the Facuity and Departmental Libraries have primarily supported undergraduate teaching. Progress with electronic books and journals and online access to some teaching materials means that this distinction is breaking down. The UL is coordinating the majority of electronic journals purchases, and would like to move into electronic books; Faculty and Departmental Libraries are operating mainly with print and commonly pass electronic materials in their field over to the UL. The UL is keen to take a greater role in the support of teaching and learning. The time period in which this would be possible depends on the speed of the transition to electronic publishing and the will of the University to make the change. The UL has the structures in place to enable the development of a broader view of the provision of materials for the support of teaching, learning and research than at present.

3.2 The UCS

The UCS provides the information technology and communications infrastructure to support both the academic and administrative needs of the University and its Colleges. In addition, the Service provides many centrally managed services and facilities to support the teaching and research activities of the University, including teaching rooms, public access facilities training programmes, the provision of consultancy and advice and the management of software site-licensing for the University as a whole. The Service manages the jointly owned Granta Backbone Network (GBN) on behalf of the University and Colleges overseen by the GBN Management Committee. In addition, through the incorporation of the Telecommunications Office, it has also assumed overall responsibility for the telephone network of the University.

Following approval of a recent Report of the Council and General Board on the governance of information strategy and services within the University, the ITS [Information Technology Syndicate], GBN, and JTMC [Joint Telecommunication Management Committee] have been replaced by a single overall committee, the Information Strategy and Services Syndicate (ISSS), which also encompasses the remit of the former separate Information Strategy Group.

The mission of the UCS is to provide coordinated information technology services in support of the academic activities of the University, as well as the necessary Information Technology infrastructure to support both its academic and administrative IT activities. These services are critical to the success and reputation of the University and its Colleges, and the UCS delivers these services and facilities maintaining the cost-effectiveness and the efficiencies of scale achieved by the centralisation of shared services.

The support provided by the UCS for teaching and learning can be broadly classified into three categories: the infrastructure which underpins much of the IT operation of the University, specific targeted facilities which are available for use by individua users and institutions, and general support for students and staff in their daily work.

Information Technology is an extremely rapidly developing field, and to ensure that the University is able to take advantage of these developments for its teaching and learning activities, in a professional, co-ordinated and well supported way, the combined skills and experience within the UCS are of paramount importance. As an academic support service under the General Board it is well placed to provide the technical infrastructure support necessary for teaching and learning activities.

The normal annual operating expenditure of the Service in recent years has been approximately £7.5M, of which about a third comes from income raised from charges directly to the customers of its services. This has increased significantly since 2006/07 following the incorporation of the telecommunications activities; the total income to UCS in 2007/08 is forecast to be about £10M, of which almost half is provided by the UEF [University Education Fund] and the balance of the majority is associated with trading. The UCS currently has about 140 staff, including the Telecommunications Office.

3.3 The Language Centre

The Language Centre's mission is:

- · to provide language learning opportunities for all members of the University and for the staff of the University;
- to provide taught courses aimed at non-specialist language learners and EAP courses to overseas students;
- to provide support and advice for the teaching of languages in the Faculties of the University;
- to promote the application of new technology to all aspects of language learning.

The Centre supports four main activities:

- general language training for students and staff (CULP);
- English for Academic Purposes (EAP);
- services tailored to specific Departments' needs;
- E-programmes, considered strong in French and Spanish.

The Centre has developed a distinctive method for delivering teaching and learning, part online and part face-to-face. Language teaching demands a high proportion of face-to-face teaching, but all courses have some online provision. Courses at advanced level have a greater proportion of online provision whereas the more basic courses incorporate the study skills training needed to enable students to work at a distance further into their programme. This structure makes best use of limited human resource, where it can be most effective; it is potentially transferrable to other disciplines and discussions along these lines are ongoing with the Department of Engineering and the Faculty of English, for example.

The Director has a vision for language learning in the UK and the Centre considers itself to be pioneering, ahead of competitors like Oxford. Much of the intellectual development takes place in-house. The Centre brings in writers and web developers as necessary to create courses; it also creates products notably for French and Spanish in cooperation with the BBC. However, it has not so far been possible to develop a sustainable funding model which can be extended to cover a large range of languages. The Centre also undertakes activities intended to serve audiences outside the University and whilst these are invariably worthy, there is a concern that they divert resource from its core purpose. Finally, as the range of online courses expands, there is a growing need to provide routine maintenance support which is beyond the current resources of the Centre.

Income to the Language Centre is of the order of £1M p.a., two-thirds of which comes from the UEF. There are about 16 core UEF-funded staff.

3.4 CARET

CARET is an interdisciplinary innovation group the aims of which are:

- · to develop and provide innovative support services for learning, teaching and research;
- to evaluate current practice and user and stakeholder requirements and help formulate University Learning, Teaching and Research strategy in the future;
- to sustain and embed innovative services through engagement and partnerships with other parts of the University and the handover of maturing technologies;
- · to be recognised as an international player and world leader in this area.

CARET supports teaching and learning in the University through:

- infrastructure for access-controlled collaborative workspaces (mainly CamTools) to support courses, research and course evaluation;
- fee or project funded development of special teaching applications;
- · individual self-paced learning provision for school-University transition (in development).

CARET is a small organisation which meets a need to support innovation; the latter is encouraged in an organisation which is able to respond rapidly to opportunities and is willing to take risks. But like the Language Centre, there is a need for good transfer mechanisms if a developed product is to be passed on to another organisation to deliver once it is in full operational use.

CamTools is an example of innovation in teaching support which, despite some criticism, is widely used. It is the only available option for the majority of teaching staff and it is rapidly becoming embedded across the University. However, there is no official University policy to provide a facility like CamTools and consequently no explicit resource to support it.

Income to CARET is of the order of £1.5M p.a., of which one quarter currently comes from the UEF; the core UEF funding is formally non-recurrent, pending the resolution of the Centre's future.

3.5 Other institutions

The Institute of Continuing Education (ICE) currently offer online support for 20–30% of their programmes. The majority of their professional programmes are supported by online resources or are blended courses, i.e. teaching takes place both face to face and online. The international summer schools are supported by the delivery of information, pre-study materials and learning resources online, but all teaching takes place face to face. Several of their M.St. courses are supported online and some of the regional/public programmes are offered totally online. ICE aim to have the majority of their courses and all credit bearing courses with online support and/or teaching by 2009/10.

The Staff Development section of the HR Division have four teams in academic staff development supporting professional development for each staff group:

- the Graduate Development Programme for graduate students;
- Researchers Development Programme, for contract researchers;
- · Pathways in Higher Education (PHEP), for newly appointed University and College Teaching Officers;
- · 'CAPCam', for experienced academics throughout their careers.

4. Changing environment

4.1 Background

One of the issues emerging during the consultation on a revised version of the University's Learning and Teaching Strategy (Lent Term 2006) was the need for better coordination of the current providers of pedagogic support, and better communication between those providers and the Faculties and Departments.

Following this, the report of the Pedagogic Support Providers' Co-ordination Group (May 2007) to the Education Committee recommended the formation of a structure which would seek to build on cross-disciplinary and cross-functional networks in order to foster developments that will benefit student learners and their teachers. The specific proposals of the report have been put on hold pending the outcome of this review.

4.2 External factors

The Review Group sought to develop a better understanding of the rate of change of the balance between hard copy and electronic publishing. They noted how resilient the book has proved to be, contrary to predictions of 15 years ago. Journals are in the forefront of pure electronic provision, most notably in scientific subjects as demand in arts, humanities and social sciences is lower. The nature of research is changing to take advantage of wider access to materials.

A survey commissioned by the British Library in 2004 5 forecast, amongst other things, that:

- published titles will continue to grow (at about 3% p.a. to 2020) because of short run print technology and growth in electronic publishing – more content will be generated in smaller packages;
- · the migration to e-publishing will depend on the type of publication and its intended audience;
- few new monographs are published solely in e-format;
- parallel publishing is expected to grow with only 12.5% of new titles being uniquely in print by 2020;
- the proportion of new titles uniquely in electronic form is expected to rise to 10% by 2014 then more steeply to 40% by 2020;
 - for monographs in the UK, print will not die out completely in the foreseeable future by 2020 18% of publishing output is still expected to be available only in print;
- in the UK, the migration to electronic delivery for journals is well ahead of monographs it is expected that the leading publisher will switch less popular titles to e-only in 2009 and this will accelerate the transition.

A more recent study ⁶ finds that 60% of the total 20,000 active peer-reviewed journals are now available in electronic form. Many, typically younger and scientific users prefer the convenience of electronic provision, others insist on access to paper copies. Libraries and publishers continue to support the expense of hybrid provision.

It is currently not straightforward to forecast expenditure on electronic journal subscriptions separately from that on paper based provision, however, as:

- publishers commonly offer paper-plus-electronic packages;
- · some journals, used for the support of teaching, are only offered on paper for the first year;
- · there remains some demand for paper copies;
- at present, VAT is charged on electronic-only format, but not paper or paper-plus, making electronic-only currently less desirable.

4.3 Internal developments

Once electronic delivery of materials becomes the norm, the only cost-effective option is likely to be to centralisation of electronic provision. The continued growth of Faculty and Department based print collections may become questionable in the longer term. The current structure of independently run Faculty and Department libraries does not permit the delivery of a coherent strategy, and those libraries are often keen to maintain their independence. They have considerable resource, including staff resource, which could be redirected in response to changing needs if necessary; similar skills in organising information were thought to be required in an electronic environment. Extending coordination of materials to the numerous College libraries may be desirable but is likely to be complex in practice.

Progress with Virtual Learning Environments (VLE) is piecemeal at present, there being no overall structure, it is centred or CARET and involves a number of Departments where individual academics have developed an interest. CamTools is the VLE developed by CARET following the recognition that Cambridge was behind others in making use of this type of technology in education. CamTools is now in widespread use and consideration should be given rapidly to how it may be properly supported as an operational service.

There is potential to develop closer links between the UL, CARET and the Language Centre. CARET could provide the necessary technical services, and the Language Centre continue to develop innovative courses, whilst the UL take on a role overseeing the development of pedagogic support. One of the strengths of the smaller organisations is that they are small, 'hungry', able to move fast and take risks; they would need to maintain the freedom to operate in this way to encourage innovation. But they do not have the infrastructure to roll out the delivery of large scale operations once the R&D is complete, and it is not clear in what forum their strategy is developed.

The UCS Public Workstation Facilities (PWF) provide access to the major software packages needed by Departments and Colleges. However, whilst 98% of undergraduate students now arrive in Cambridge with their own laptops capable in principle of hosting these packages, current wireless technology and licence management is not yet sufficient to deliver them directly to laptops. It is estimated that this will change over the next 5–10 years and the PWF 'Clusters' may then become unnecessary.

With more coordinated online access to materials, some Departmental libraries, especially in the sciences, appear to be

becoming more like spaces populated by PCs to facilitate access to the network. Some Departments are considering moving paper journals out to the UL and its dependent libraries to provide social workspace. Wireless access, which could become the main channel for the delivery of pedagogic support materials to students' laptops, has been slow to spread and this has caused frustration in some areas.

The Review Group identified a specific problem for students at the Institute of Continuing Education (ICE), electronic access is currently not available as it depends on access through the Raven authentication system managed by UCS who will only service matriculated students. The same barrier may apply to some Education and CPI [Cambridge Programme for Industry] students. Access to the electronic resources of the UL would be of huge benefit to ICE students. The issue of access to Raven for non-matriculated students must be resolved.

5. Future direction

5.1 Teaching and Learning online

Teaching and Learning in the future is expected to depend increasingly on the following requirements:

- · teaching materials including e-Books, video, and multimedia delivered on-demand anywhere in the University;
- web tools for teachers to manage all aspects of course delivery, students to manage their learning experience, researchers to collaborate both within and across institutions, for online assessment and to create a web of social networks covering many aspects of university life;
- integration of student record data with teaching and learning tools;
- remote access to course-specific licensed software packages (e.g. CAD tools);
- a mechanism for ensuring that every student has a capable personal computing device with wireless networking.

The pace of change is expected to accelerate and is unlikely to reach a stable position in the foreseeable future. To meet the above requirements, the following challenges must be addressed:

- the University must put in place strategic and implementation plans to deliver the above requirements;
- Library and IT support institutions must be organised to ensure that a teaching and learning services strategy can be
 efficiently and effectively delivered;
- to ensure that Cambridge is at the forefront of teaching and learning in a period of rapid change, our ability to innovate must be protected and encouraged;
- there must be a mechanism which allows a smooth transition from innovation to service delivery;
- the current gaps in our institutional capacity to deliver the necessary strategic objectives must be closed.

5.2 Summary: the need and opportunity to reconfigure

In 2004, the Standard Review of the UL highlighted the impact that lack of resource was having on some services and emphasised the need to find ways in resources could be shared and the entire library system could be streamlined and more effectively coordinated.

During 2006/07, the General Board were alerted to the need to consider increased coordination of central support for teaching by the Pedagogic Support Providers Coordination Group. At the same time, the Visiting Committee of the UL, in its first annual report to the Library Syndicate, reflected on the future development of the UL. Its observations included the need for: greater integration of the University's libraries; accelerated progress towards a single library system managed through a Director of Library Services; the rapid expansion of the use of e-content; and that consideration should be given to broadening the UL's role to become a learning resource for undergraduates as well as researchers.

As noted in section 3.1.4, the UL has traditionally supported research whilst the Faculty and Departmental Libraries have supported undergraduate teaching. Progress with electronic books and journals and online access to some teaching materials mean that this distinction is breaking down. The quality of the services currently provided by the UL is recognised to be high.

The UCS provides the information technology and communications infrastructure to support the academic needs of the University. UCS provide a responsive service aligned to Faculty and Departmental needs and a platform used by numerous individuals but do not aim to develop teaching and learning support materials. They also provide transferrable skills training mainly in the form of courses on software for students and staff.

The Language Centre has developed a distinctive method of delivering teaching and learning, combining online and face-to-face provision. This makes the best use of limited resource and is potentially transferrable to other disciplines. However, the Centre is struggling to replicate online materials across a large range of languages and it does not have the resource to support service delivery beyond the innovation phase.

CARET has been successful in meeting a need to support innovation and has examples of innovation in pedagogic support in widespread use. However, it operates without a clear strategic steer from the University and, like the Language Centre, it does not have the resources to manage and deliver products in volume as operational services.

The migration to electronic publishing is accelerating and 80% of the University's journal purchasing is already managed by the UL, including the Journals Coordination Scheme. The time is now therefore ripe for the UL to become responsible for the provision and dissemination of electronic materials for teaching and learning across the University. The UL can provide the structure necessary for the management of all content. The UL could oversee and focus innovation in CARET and the

Language Centre without restricting the ability of the smaller organisations to manoeuvre. In this way, this UL would coordinate the development and maintenance of the necessary pedagogic support to be delivered over the networks maintained by the UCS.

Following the announcement by Mr Fox of his intention to retire from the Office of Librarian with effect from the end of March 2009, it is important to consider the future of that role. The Committee considers that the role of the University Librarian should be rapidly developed to become *de facto* Director of Library Services to oversee the broader remit of all the University Libraries in pedagogic support that this report recommends.

A long term plan for teaching and learning support must encompass the provision of content and the IT infrastructure needs to deliver it: the latter will require the involvement of all of the organisations described in section 3 above. Whilst the new Information Systems and Strategy Syndicate (ISSS) aims to supervise the University's information strategy, there nevertheless remains an urgent need for greater coordination and integration of effort. The proposed new role for the UL would contribute importantly to improved communications and cooperation.

There should therefore be a rolling development programme of pedagogic support and innovation implemented by the UL but steered by a new *Teaching & Learning Services Steering Group* (TLSSG) to be a joint sub-committee of the Education Committee, determining policy, and the ISSS, setting IT Strategy.

6. Summary of Recommendations

The Committee recommends:

- (1) The role of the University Librarian should be rapidly developed to become de facto Director of Library Services ⁷ and the UL should become responsible for the provision and dissemination of materials for teaching and learning across the University. This role should have responsibility for ensuring the provision across the University not only of electronic resources, which are rooted in the traditional activities of the UL (e-journals and e-books), but also the wide spectrum of web-based e-learning resources available over the internet. Close collaboration with the Education Committee will be essential to ensure that the provision of pedagogic support services is congruent with the teaching and learning mission of the University.
- (2) Consideration should be given to merging the work of the UL Syndicate and the General Board's Committee on Libraries into a single Syndicate 8 which is able to work with and develop with the University Librarian a strategic vision which will ensure, amongst other things, that the UL can deliver the e-information and e-learning support for the University's institutions.
- (3) The Librarian will need to work with the library staff in the faculties and departments to ensure that faculty and departmental libraries can deliver e-learning support to their users. Different methods of delivery, working environments and a closer managerial relationship with the UL should be considered.
- (4) The governance structure of CARET should be changed, along with its basis of funding, to ensure the longer term future of this organisation which develops critical pedagogic support to staff and students. It is proposed that CARET should be placed within two years, along with permanent core funding, under the umbrella of the UL by adopting the sub-Department model of governance (*Statutes and Ordinances*, [2008] p. 595). This would give CARET an ability to run its own affairs and budget within the constraints of overall report to the University Librarian. A consequence is that a Management Committee for CARET would no longer be required.
- (5) The Language Centre has developed a distinctive method for delivering teaching and learning, part online and part face-to-face and there is potential for extending this to other subject areas. To exploit this potential, the Language Centre should also be reassigned to the UL within two years, together with its allocation, under the sub-Department model. As with CARET, a Management Committee for the Language Centre would no longer be required.
- (6) In the interests of efficiency and cost, the purchase of all subscriptions for journals (and, in time, electronic books, should become the responsibility of the University Librarian in consultation with the Journals Coordination Steering Committee (JCSC). It is recommended that UEF funds currently allocated to the UL and Schools for these purposes should be transferred to a separate fund under the control of the University Librarian for 2009/10 onwards. The University Librarian should be invited to work, in the future, with the Colleges (through the Cambridge College Libraries Forum) to improve the coordination of library services across the Cambridge library system.
- (7) The role of the UCS in pedagogy should be reviewed, in consultation with ISSS and the Education Committee, to include, for example, consideration of a strategy for improving support for academic activities and access to online resources for all students. The former would be enabled by the development of a culture more receptive to external innovation. The latter would be accelerated by the rapid spread of the Lapwing wireless service and the development of mechanisms by which non-matriculated students can gain access thorough Raven authentication.
- (8) The (academic) Staff Development section of the HR Division has a role to play in helping to deliver staff training ir pedagogy. The University Librarian and the Director of HR should be invited to work with the PVC (Education) to report on how this might be achieved.
- (9) When planning for the redevelopment of the central sites, consideration should be given to the potential benefits of co-locating some of the many small units discussed in this report including CARET, the Language Centre and, where appropriate, Faculty and Departmental Libraries.

The General Board has been made aware of the constraints under which the UL and the other institutions are operating and will understand that some resources will inevitably be required to realise this strategic vision. While some economies of scale will be possible, it is likely that there will be a need to provide some funding to enable the restructure in the short and possibly

medium term. This might include provision for the costs of:

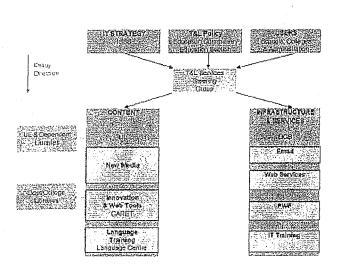
- rationalisation of paper versions of low use materials which are available electronically to include, potentially, rehousing, cataloguing and the need for a destination space;
- the software and hardware necessary to support the development of pedagogic support materials, as well as the additional cost of those resources themselves;
- staffing needed to support and manage these methods of pedagogic support, which may be additional to those
 currently provided by either the UL or Faculties and Departments, and/or may require training, development and
 reorganisation to maintain skills in step with developments.

7. Proposed structure and governance

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

- (1) There should be a rolling development programme for pedagogic support steered by a *Teaching & Learning Services Steering Group* (TLSSG) to be a joint sub-committee of the Education Committee, determining policy, and the ISSS, setting IT Strategy.
- (2) The TLSSG should be chaired by the PVC (Education) and have representatives from all stakeholders including 'users' and 'suppliers'. Consideration should be given to how the TLSSG would interface with the University Library Syndicate and the General Board's Committee on Libraries (or the proposed single combined Syndicate).
- (3) The UL should be responsible for *providing content*: e-Books, electronic Journals, multimedia, interactive learning programs, etc. to include procuring content from external sources, digitising local content, and promoting the generation of new content within Cambridge.
- (4) The UL should be given a more pro-active role in the organisation of Faculty and Departmental libraries and liaising with College libraries with the aim of providing cost-effective, high-quality delivery of library and e-information services through the University Librarian acting as Director of Library Services.
- (5) The UCS should be responsible for delivery of services throughout the University and Colleges to include a high quality network (both wired and wireless) easily accessible by all staff, students and *bona fide* visitors, enabling web technologies, support for the specific software components agreed by the TLSSG and identity authentication.
- (6) CARET and the Language Centre should become sub-departments of the UL. CARET's primary role should be to support innovation in teaching and learning including the investigation and development of new technologies, advice on pedagogical issues and engagement with individual academics to develop new teaching. The Language Centre should continue to fulfil its core mission of delivering language teaching whilst seeking to pool its online development expertise with the wider support for teaching and learning.
- (7) Congruence between the work of CARET, the Language Centre, and other institutions, and the general oversight of pedagogic support articulated through the University Librarian, would be overseen by the 'Teaching and Learning Services Steering Group' outlined above.
- (8) There should be a permanently established Teaching & Learning Innovation Fund managed by the TLSSG which can provide 'pump-priming' for innovative academic-led teaching and learning projects.

Figure 1. Organisation of teaching and learning support



8. Appendix: list of papers received by the Review Committee

1. Membership of the Review Committee.

- 2. Background to the establishment of the Committee and Terms of Reference.
- 3a. Report of the GB Departmental Reviews Committee Standard Review of the UL (May 2004,
- 36. UL: Planning Round 2007 statement and annual report.
- UCS: Planning Round 2007 statement and annual report.
- 3d. Language Centre: Planning Round 2007 statement and annual report.
- CARET: Planning Round 2007 statement and annual report.
- Summary table of funding for the above four institutions.
- 3g. Report of the Pedagogic Support Providers' Coordination Group (May 2007).
- 4. Questions put in advance to the visitors to the March meeting of the Committee.
- Notes from the Director of the Language Centre emailed to the Committee on 4 March 2008.
- 5b. The Director of the UCS' tabled papers of statistical information at the March meeting.
- 5c. The Director of CARET tabled a paper 'CARET eLearning Strategy' at the March meeting.
- 5d. Notes from the Associate Director e:Learning at the Institute of Continuing Education (ICE) arising from the March meeting.
- 5e. Notes from the Director of CARET, arising from the March meeting.
- 5f. Data on expenditure on subscriptions for 2005/06 and 2006/07, with source of funds, across the University.
- 5g. Information on Library expenditure in Cambridge during 2006/07, including Departmental and College Libraries.
- 5h. Information on UK University Library expenditure 2005/06, extracted from SCONUL.
- 5j. Information on the current UL staff profile.
- 5k. Information on the location of PWF and Managed Clusters, and on the roll out of the Lapwing wireless service.
- 5m. Information on usage of the Language Centre by Department.
- A paper from the Director and Deputy Director of the UCS in response to the Notice published in Reporter on 20 February 2008.
- A paper from Bob Dowling of the UCS in response to the Notice published in Reporter.
- 5q. A paper from the Director of the Centre for Excellence in Teaching and Learning in response to the Notice published in Reporter.
- 6a. Publishing Output to 2020, The British Library/EPS Ltd, January 2004.
- 6b Extracts from The E-only Tipping Point for Journals, Johnson & Luther, Association of Research Libraries, 2007.
- 6c. Extracts from Review of HEFCE Funding for Research Libraries, Professor Sir Ivor Crewe, March 2008.
- 6d. A letter from the Project Manager: Graduate Education Review, dated 2 April 2008.
- 7a. Questions put in advance to the visitors to the April March meeting of the Committee.
- 7b. A note from Professor John Bell (as Chairman of the GB Committee on Libraries).
- 8a. UCS Expenditure by service: appendix 3 extracted from Report of IT Syndicate for 2006/07.
- 8c Language Centre report on survey of departmental language teaching courses 2005.

Footnotes

- 1 See the Council's Notice, p. 256.
- 1a The data on College expenditure is patchy, but it does indicate a proportionally greater spend on books.
- 2 Society of College, National and University Libraries
- 3 Except two institutions of a different nature, Cranfield and SOAS, also scored highly by this measure.
- 4 Cambridge Library expenditure as a proportion of total expenditure is likely to be understated, relative to Oxford for example, in the SCONUL published data. It appeared that total institutional expenditure data for Cambridge, at £880M, included UCLES and CUP. If the more correct figure of £560M total institutional, for 'little u', were used, Cambridge library expenditure was 3.7% of total institutional expenditure, well above average and closer to that of Oxford (at 4.6%, and where total expenditure appeared to be correctly stated).
 - 5 Paper 6a, referenced in Appendix 1.
 - 6 Paper 6b, referenced in Appendix 1.
- 7 In accordance with the recommendation of the last Standard Review of the UL and the response from the Library Syndicate; the latter supported the view that the time may soon be ripe.

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a Also as recommended by the Standard Review; at the time the Library Syndicate believed the merger should take place in the wake of other changes, or when such changes are agreed and are to be implemented

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[1979] 2 All ER 440

Calvin v Carr and others

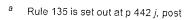
PRIVY COUNCIL

LORD WILBERFORCE, VISCOUNT DILHORNE, LORD HAILSHAM OF ST MARYLEBONE, LORD KEITH OF KINKEL AND LORD SCARMAN

30, 31 OCTOBER, 2, 6 NOVEMBER 1978, 15 JANUARY 1979

Natural justice - Domestic tribunal - Jockey club - Appeal - Effect of appeal - Stewards' inquiry - Owner disqualified from running horses and from membership of jockey club - Conduct of stewards' inquiry not in accordance with rules of natural justice - Appeal by owner to committee of club - Hearing de novo - Whether committee had jurisdiction to hear appeal from stewards' decision if decision void - Whether defects in stewards' inquiry could be cured by fair hearing of appeal.

appellant was part owner of a racehorse which had some form in New Zealand. In March 1976 the horse raced for the time in Australia, in a handicap. The horse attracted support in the betting and was backed down to short odds but ran poorly and only came fourth. A steward's inquiry into its performance took place and as a result of the inquiry the jockey was found to be in breach of r 135^a of the Rules of Racing of the Australian Jockey Club, by failing to give the horse full opportunity to win or to obtain the best possible place in the field, and the appellant was found guilty of being a party to the breach. The appellant was disqualified for one year and his membership of the Australian Jockey Club was forfeited. He appealed to the committee of the club pursuant to s 32b of the Australian Jockey Club Act 1873 against his disqualification but his appeal was dismissed. The appellant brought an action against the chairman of the club, the members of the committee and the stewards seeking a declaration that his purported disqualification by the stewards and the dismissal of his appeal were void on the grounds, inter alia, that the stewards had failed to observe the rules of natural justice or fairness and their decision was therefore invalid, and that accordingly the committee had no jurisdiction to hear or determine the appeal from it. The trial judge held that, although in certain specified respects the stewards had failed to observe the principles of natural justice, the proceedings before the committee constituted a hearing de novo and the defects in the stewards' inquiry were thereby cured. The appellant appealed to the Privy Council, contending, inter alia, that the steward's decision was void and the committee had therefore had no jurisdiction to entertain the appeal since it was a condition precedent of an appeal that there was a decision to appeal against, and that defects in the stewards' proceedings could not be cured merely by a fair hearing of his appeal by the committee.



b Section 32, so far as material, is set out at p 445 b to e, post

Held - The appeal would be dismissed for the following reasons--

- (i) A decision of an administrative or domestic tribunal reached in breach of natural justice was void rather than voidable, but until declared to be void by a competent body or court it was capable of having some effect or existence in law and could not be considered as being legally non-existent. Assuming the stewards' decision to be void, it was nevertheless a decision for the purposes of an appeal to the committee, which therefore had jurisdiction to entertain the appeal (see p 445 / to p 466 b and d e and p 447 e, post); Crane v Director of Public Prosecutions [1921] All ER Rep 19 applied.
- (ii) There was no absolute rule that defects in natural justice at an original hearing could or could not be cured by appeal proceedings which had been correctly and fairly conducted. However, where a person had joined an organisation or body and was deemed, on the rules of that organisation and the contractual context in which he joined, to have agreed to accept what in the end was a fair decision, notwithstanding some initial

[1979] 2 All ER 440 at 441

defect, the task of the courts was to decide, in the light of the agreements made and having regard to the course of the

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proceedings, whether at the end of those proceedings there had been a fair result reached by fair methods. On the facts, those who took part in racing were deemed to have accepted the Rules of Racing and to be bound by the decisions of bodies set up under the rules, provided they received fair treatment and a consideration of their case on its merits. The appellant's case had received, overall, full and fair consideration and there was therefore no basis on which the court ought to interfere (see p. 447 h, p. 448 f.g., p. 451 c.d. and h to p. 452 b, post); Meyers v. Casey (1913) 17 CLR 90, Australian Workers' Union v. Bowen (1948) 77 CLR 601, dictum of Mason J in Twist v. Randwick Municipal Council (1976) 51 ALJR at 196-197 and Raid v. Rowley [1977] 2 NZLR 472 approved: Annamunthodo v. Oilfields Workers' Trade Union [1961] 3 All ER 621 and Pillai v. Singapore City Council [1968] 1 WLR 1278 explained; Denton v. Auckland City [1969] NZLR 256, dictum of Megarry J in Leary v. National Union of Vehicle Builders [1970] 2 All ER at 720, Ethell v. Whalen [1971] 1 NSWLR 416 and Hall v. New South Wales Trotting Ciub [1976] 1 NSWLR 323 disapproved.

Notes

For whether a decision tainted by defects in natural justice is void or voidable, see 1 *Halsbury's Laws* (4th Edn) paras 27, 72, and for whether defects in an original hearing can be cured by a subsequent appeal, see ibid para 77.

Cases referred to in judgment

Annan \nthodo v Oilfields Workers' Trade Union [1961] 3 All ER 621, [1961] AC 945, [1961] 3 WLR 650, PC, 45 Digest (Repl) \quad \quad \quad \text{7.1223.}

Australi Vorkers' Union v Bowen (1948) 77 CLR 601.

Builders Licensing Board v Sperway Construction Pty Ltd (1976) 51 ALJR 260.

Cardinal and Board of Comrs of Police of City of Cornwall, Re (1973) 42 DLR (3d) 323, 20 R (2d) 183, Digest (Cont Vol D) 723, *28Aj.

Chromex Nickel Mines Ltd, Re (1970) 16 DLR (3d) 273.

Clark and Ontario Securities Commission, Re (1966) 56 DLR (2d) 585[1966] 2 OR 277, Digest (Cont Vol B) 665, *170a.

Crane v Director of Public Prosecutions [1921] 2 AC 299, [1921] All ER Rep 19, 90 LJKB 1160, 125 LT 642, 85 JP 245, 27 Cox CC 43, sub nom *R v Crane* 15 Cr App R 183, HL, 14(1) *Digest* (Reissue) 315, *2428*.

De Verteuil v Knaggs [1918] AC 557, 87 LJPC 128, sub nom De Verteuil v Acting Governor of Trinidad 118 LT 738, PC, 8 (2) Digest (Reissue) 820, 681.

Denton v Auckland City [1969] NZLR 256.

Ethell v Whalan [1971] 1 NSWLR 416.

Fagan v National Coursing Association of South Australia Inc (1974) 8 SASR 546.

Hall v New South Wales Trotting Club Ltd [1976] 1 NSWLR 323.

King v University of Saskatchewan [1969] SCR 678, 6 DLR (3d) 120, 68 WWR 745, Digest (Cont Vol C) 318, *356a.

Leary v National Union of Vehicle Builders [1970] 2 All ER 713, [1971] Ch 34, [1970] 3 WLR 434, Digest (Cont Vol C) 997, 1214b.

Meyers v Casey (1913) 17 CLR 90, 8(2) Digest (Reissue) 622, *35.

Pillai v Singapore City Council [1968] 1 WLR 1278, PC, Digest (Cont Vol C) 694, *499a.

Posluns v Toronto Stock Exchange and Gardiner (1966) 53 DLR (2d) 193, [1966] 10 R 285; affd [1968] SCR 330, 67 DLR (2d) 165.

Reid v Rowley [1977] 2 NZLR 472, CA.

Ridge v Baldwin [1963] 2 All ER 66, [1964] AC 40, [1963] 2 WLR 935, 127 JP 295, 61 LGR 369, HL, 37 Digest (Repl) 195, 32.

Russell v Bates (1927) 40 CLR 209.

Twist v Randwick Municipal Council (1976) 51 ALJR 193.

White v Kuzych [1951] 2 All ER 435, [1951] AC 585, PC, 45 Digest (Repl) 543, 1336.

[1979] 2 All ER 440 at 442

Appeal

Ferd Dawson Calvin appealed, pursuant to leave granted by the Supreme Court of New South Wales, from the decision of that court (Rath J sitting in the Equity Division) on 23 June 1977 dismissing the appellant's action against the respondents, John Henry Brownlow Carr, the chairman of the committee of the Australian Jockey Club, and other named respondents, being the members of the committee of the club and the stipendiary stewards holding office under the Rules of Racing of the club, whereby the appellant challenged the validity of a disqualification by the stewards which was upheld on appeal to the committee under the Rules and claimed declaratory and injunctive relief in respect thereof. The facts are set out in the judgment of the Board.

M H McLelland QC, W W Caldwell and M J Mossman (all of the New South Wales Bar) for the appellant.

TEF Hughes QC, RP Meagher QC and Catherine F Weigall (all of the New South Wales Bar) for the respondents.

15 January 1979. The following judgment was delivered.



LORD WILBERFORCE.

This is an appeal from a judgment of Rath J sitting in the Equity Division of the Supreme Court of New South Wales dismissing an action brought by the appellant, Mr Calvin, against the respondents. The action was brought in order to obtain a declaration and an injunction restraining the respondents from giving effect to a disqualification of one year imposed on the appellant under the Rules of Racing of the Australian Jockey Club.

On 13 March 1976 a horse called Count (sic) Mayo, of which the appellant was part owner, ran in the Eastlakes Handicap, Second Division, at Randwick Racecourse. The race was run over 1,200 metres. Count Mayo was a well-bred three year old with some useful form in New Zealand. This was its first public appearance in Australia. It was trained by Mr Cummings, whose foreman in charge on the day in question was Ronald Thomas Dawson; it was ridden by Peter William Cuddiny. Count Mayo attracted support in the betting market and was backed down to short odds. But it ran poorly: though finishing strongly it only achieved fourth place, thus disappointing its backers, some of whom no doubt vocally expressed their feelings. This running not surprisingly provoked an inquiry by the stewards. They interviewed the jockey, the foreman, the trainer and the appellant. A film of the race, or of part of it, was shown and they saw films of the horse's running in New Zealand and received statements from the stipendiary stewards, jockeys, the chief handicapper and a racing commentator in that country. They made an intensive investigation into various bets said to have been placed on the horse on 13 March including a bet of \$6,000 which the appellant claimed he had made. The inquiry followed a predictable course. The stewards' prima facie opinion was that the horse had not run a straight course, that the jockey had made his effort too late, had not used his whip or ridden the here out. The jockey claimed that the horse hung towards the outside, that he had ridden according to instructions to hold the he up and not use the whip because to do so might cause the horse to swerve, but he had ridden it out with hands and heels. The appellant accepted that the horse had run according to his instructions, but said that he wanted the horse to win, though he was not quite fit, and that he had backed it.

On 20 March the stewards decided, and so informed those concerned, including the appellant, that they proposed to bring charges under r 135 of the Rules of Racing, which is as follows:

- '(a) Every horse shall be run on its merits.
- '(b) The rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or to obtain the best possible place in the field.
- '(c); Any person who in the opinion of the Stewards has breached, or was a party to breaching, any portion of this Rule may be punished, and the horse concerned may be disqualified.'

[1979] 2 All ER 440 at 443

On 26 March after further evidence had been heard, they announced their decision that the jockey was guilty of an offence against r 135(a) and that the appellant was a party to the breach. They disqualified him for one year. This had serious

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consequences: In particular, the appellant was unable during that period to run or enter any horse and he lost his membership of the Australian Jockey Club.

The appellant, as he was entitled to do, appealed to the committee of the Australian Jockey Ciub. So did Mr Dawson and the jockey Cuddihy. The committee opened the hearing of the appeal on 9 April 1976. The appellant was represented by counsel and Mr Falkingnam QC appeared with Mr Reynolds to assist the committee. The transcript of the proceedings before the stewards was put in at the outset without objection, subject to some corrigenda. The chairman of the stewards and the other available for cross-examination and several of these were called. Other witnesses also gave evidence, including Mr Poulsen film of the race and films of the horse's performance in New Zealand were shown in the presence of the parties. Submissions were made by counsel. On 12 April 1976 it was announced that the committee dismissed the appeals of the appellant and Cuddihy but allowed the appeal of Dawson.

The present action was started by the appellant on 13 April 1976. It was brought against, as defendants, the chairman of the committee of the Australian Jockey Club as representing the club, the members of the committee of the Australian Jockey Club, and the stipendiary stewards ('the respondents') holding office under the Rules of Racing of the Australian Jockey Club. The claim was for declarations that the purported disqualification of the appellant by the stewards, and the purported dismissal of the appellant's appeal, were void and for an injunction restraining the respondents from acting on the basis that the purported disqualification of the appellant was valid.

A number of grounds were put forward to support these claims. As regards the original inquiry it was said that the stewards had failed to observe natural justice or fairness so that their decision was invalid. As regards the proceedings before the pommittee it was said that, as the stewards' decision was invalid, the committee had no jurisdiction to hear or determine an appeal from it, and that the committee had failed to perform their statutory duty under the Australian Jockey Club Act 1873, so These contentions are essentially those maintained in the present appeal.

In addition, before the trial judge, the appellant contended: (i) that there was no evidence to support the stewards' conclusion that he was a party to a breach of r 135(a); (ii) that from the evidence adduced no reasonable man could have formed the opinion that the appellant had been a party to such a breach; (iii) that the committee had failed to observe natural justice and fairness in the appeal; (iv) similarly to contentions (i) and (ii) as regards the committee. All these contentions were rejected by the trial judge and were not renewed before this Board.

The judge decided (1) that in certain specified respects, the stewards had failed to observe the principles of natural justice and that they might have failed to observe the principles of natural justice in not giving the appellant an opportunity of being heard on the question of penalty. But he also held (2) that the proceedings before the committee constituted a hearing de novo and that the defects in the stewards' inquiry were thereby 'cured'.

Before their Lordships the appellant opened his case by attacking the second holding through carefully argued legal submissions. These were presented on the provisional assumption that the first finding was correct. On conclusion of these submissions their Lordships thought it appropriate to hear counsel for the respondents, in answer to them, and thereafter to hear the appellant's counsel in reply, before embarking on a consideration of the first question. Having heard these arguments and having come to a clear conclusion on them, their Lordships did not consider it opportune to hear arguments on the first point. They will deal therefore with the appeal on the assumed

[1979] 2 All ER 440 at 444

basis that the judge was correct in deciding that there had been a failure to observe natural justice in the proceedings before the stewards. They wish however to make it clear that, while they accept that the principles of natural justice ought to have been observed by the stewards, yet, having read the transcript of those proceedings, and the judge's careful judgment on this point, they appreciate that a substantial argument could be put forward that there was no failure of natural justice at all. They consider it fair to the stewards to place this on record and to emphasise that some such failure is a matter of assumption only, made for the purpose of enabling the second issue to be decided.

It is now necessary to set the legal framework within which this issue is to be judged.

Horse racing in New South Wales is regulated by the Rules of Racing of the Australian Jockey Club, and by the Australian Jockey Club Act 1873. The Australian Jockey Club is an unincorporated association whose affairs are managed by the committee.

The rules consist of (i) the Australian Rules of Racing and (ii) further rules known as the Local Rules. All of these are printed in a book called 'The Rules of Racing of the Australian Jockey Club'. The following provisions are material.

Australian Rules of Racing:

'2. Any person who takes part in any matter coming within these Rules thereby agrees with each and every Principal Club to be bound by them.

- '4. Any actidone or decision made by a Committee of a Club or by Stewards in the exercise or intended exercise of any right power or authority conferred by or under any of the Rules shall except where otherwise provided in the Rules be final and conclusive.
- 7. The Committee of a Principal Club shall have the control and general supervision of racing within its territory. Such Committee in furtherance and not in limitation of all powers conferred on it or implied by these Rules, shall have power, in its distretion: —/a) To hear and decide appeals as provided for in its Rules or by Law ...
- 18. To assist in the control of racing. Stewards shall be appointed according to the Rules of the respective Principal Clubs, with the following powers ... (e) To punish any person committing a breach of the Rules ...
- '135. [already cited above] ...
- 175. The Committee of any Club or the Stewards may punish ... (k) Any person who has committed any breach of the Rules ...
- '199. Every person aggrieved by any punishment imposed by the Committee of a Club or an Association or by the Stewards may subject to the Rules appeal to the Committee.'

Local Rules of the Australian Jockey Club:

- '70. (a) Any person appealing to the Committee of the Australian Jockey Club shall, within seven days after the decision appealed against has been given, lodge with the Committee or Stewards from whose decision he desires to appeal a notice in writing stating the grounds on which he intends to appeal ...
- '71. Subject to the provisions of the Australian Jockey Club Act, the Committee of the Australian Jockey Club may on the hearing of the appeal:—(a) Remit the matter in dispute to be reopened or reheard by the Committee of the Club or Association or Stewards from whose decision the appeal is brought; or (b) Upon the evidence already taken and any additional evidence, which in their opinion it was desirable to admit or obtain, make such order as in their opinion ought to have been made by such Committee or Stewards, or as in their opinion may be necessary to ensure the determination on the merits of the real question at issue ...
- '72. Subject as aforesaid the Committee may at its discretion allow the appellant to be represented by counsel on the hearing of any appeal and in any case may have counsel present to assist the Committee.

[1979] 2 All ER 440 at 445



'73. Subject as aforesaid no fresh evidence shall be adduced on the hearing of any appeal to the said Committee except by leave of the Committee.'

Australian Jockey Club Act 1873:

- 32. (1) In any of the following cases, that is to say:--(a) where the stewards of the Australian Jockey Club or the committee or stewards of any other club or race meeting registered by the Australian Jockey Club under the Rules of Racing of the Australian Jockey Club have--(i) disqualified or warned off any person ... (b) where any body, empowered by the club, in accordance with the Rules of Racing of the Australian Jockey Club, to hear and determine appeals from any decision of the Committee or stewards of any club registered as aforesaid which is within the jurisdiction of such body, has dismissed any appeal in respect of any matter referred to in paragraph (a) of this subsection or neglected or refused to hear and determine any such appeal, any person considering himself aggreeved thereby may appeal to the Committee of the Australian Jockey Club: Provided that no appeal under this subsection shall lie to the Committee of the Australian Jockey Club unless the appellant has first exercised any other right of appeal which may be conferred on him by the Rules of Racing of the Australian Jockey Club.
- '(2) (a) Any appeal to the Committee of the Australian Jockey Club under subsection one of this section shall be in the nature of a rehearing. Such Committee in hearing any such appeal shall sit as in open court. (b) The decision of such Committee on any such appeal shall be final and shall be given effect to by the stewards of the Australian Jockey Club or the Committee or stewards of any other club or race meeting to whose jurisdiction the appellant is subject ...
- '(4) The decision of such Committee on any such appeal shall be upon the real merits and justice of the case and it shall not be bound to follow strict legal precedent.

Torus Id. This section shall be construed as supplemental to and not in derogation of or imited by the Rules of Racing of the Australian Jocker, Club."

Although these rules and statutory provisions contain a good deal of repetition and circularity it is clear that they provide a comprehensive scheme or code for the administration of racing and for the exercise of discipline through domestic bodies whose jurisdiction, though reinforced by statute, is founded on consensual acceptance by those engaged in the various activities connected with horse racing. Under this scheme the committee has general control and powers of supervision. It may exercise disciplinary powers itself, including the power to punish for breach of the rules, or disciplinary powers, including the power to punish, may be exercised by the stewards. In the latter event, there is an appeal to the committee, such appeal being in the nature of a rehearing, and on such appeal the committee may remit the case to the stewards, or may make such order as ought to have been made by the stewards. The committee has a wide discretion as to the admission of evidence in the appeal, not being limited to the evidence heard by the stewards.

The first issue arising in this appeal is whether the committee had any jurisdiction to enter on the appeal. The appellant's proposition is that it had not, for the reason that the stewards' 'decision' was, on the assumption stated, void. A condition precedent, it was said, of an appeal was the existence of a real, even though voidable, decision.

This argument led necessarily into the difficult area of what is void and what is voidable, as to which some confusion exists in the authorities. Their Lordships' opinion would be, if it became necessary to fix on one or other of these expressions, that a decision made contrary to natural justice is void, but that, until it is so declared by a competent body or court, it may have me effect, or existence, in law. This condition might be better expressed by saying that the decision is invalid or vitiated. In the present context, where the question is whether an appeal lies, the impunged decision cannot be considered as totally void, in the sense of being legally non-existent. So to hold would be wholly

[1979] 2 All ER 440 at 446

unreal. The decision of the stewards resulted in disqualification, an effect with immediate and serious consequences for the appellant. This was a fact: the appellant's horses could not run in, or be entered for, any race; the appellant lost his membership of the Australian Jockey Club and could be excluded from their premises. These consequences remained in effect unless and until the steward's decision was challenged and, if so, had sufficient existence in law to justify an appeal. An analogous situation in the law exists with regard to criminal proceedings. In *Crane v Director of Public Prosecutions* there were irregularities at the trial which had the effect that the trial was 'a nullity'. Nevertheless an appeal was held to lie to the Court of Criminal Appeal. Lord Atkinson said ([1921] 2 AC 299 at 323, [1921] All ER Rep 19 at 27):

The fact that the trial ... was rightly held to be ... a nullity does not disentitle him, under s 3 of the Criminal Appeal Act, 1907, to appeal against it. He is still a person convicted on an indictment within the meaning of that section, since those words cannot mean validly convicted, otherwise the statute would be futile and unworkable'.

and Lord Sumner said ([1921] 2 AC 299 at 331, [1921] All ER Rep 19 at 31): 'It was a mis-trial, and in truth no trial at all. All the same convicted Crane was and to all appearance convicted on an indictment'. He could appeal to the Court of Criminal Were it otherwise Crane, who has never had a legal trial at all though imprisoned under sentence on the strength of it, would have to serve his time and apparently be without remedy [1921] 2 AC 299 at 331, [1921] All ER Rep 19 at 31.' This case was applied by the High Court of Australia in Russell v Bates.

Passing from this analogy to authorities directly relevant in the field of civil proceedings their Lordships consider that these support the proposition that a decision of an administrative or domestic tribunal, reached in breach of natural justice, though it may be called, indeed may be, for certain purposes 'void', is nevertheless susceptible of an appeal. White v Kuzych was a trade union case where an investigating committee had acted contrary to natural justice in finding the appellant guilty of offences against the union byelaws. He did not appeal, as he might have done under the rules, to the federation, but brought an action in court for a declaration that his expulsion was invalid. This Board held that the original conclusion was a 'decision' within the relevant appeal rule so as to be subject to appeal to the federation. The judgment may, if their Lordships may respectfully say so, be open to the comment that in an earlier passage it raises but does not answer the question whether ([1951] 2 All ER 435 at 440, [1951] AC 585 at 598)---

'the conclusion of a judicial tribunal acting within its jurisdiction, which is arrived at in a way which amounts to a denial of natural justice, [is] appealable, or, on the contrary ... simply void and thus not subject to appeal at all,'

a passage which it is not easy to reconcile with the holding that the committee's conclusion was appealable as a decision within the rules. The latter holding however would support the respondents' contention in the present case, since here too, the appellant appealed under the rules. A clearer authority is this Board's decision in *Annamunthodo v Oilfields Workers' Trade Union* which will have to be analysed more fully later. For present purposes it is enough to state that this judgment recognises

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the appealability of the original decision which, in the result, the Board set aside as having been reached in breach of natural justice.

[1979] 2 APER 440 at 447

Turning next to decisions of the High Court of Australia, the point now under consideration was dealt with in 1913 in *Meyers v Casey*. This was a horse-racing case where the stewards, without jurisdiction to do so, purported to disqualify the appellant, as we'll as his horse. The appellant appealed, unsuccessfully, to the committee, without taking the point that the stewards had no jurisdiction. The court held that the committee had power to entertain the appeal even though the stewards had no jurisdiction to make the decision. Isaacs J said (17 CLR 90 at 116):

Ito my view, the Committee have jurisdiction to entertain an appeal--that is, an application to repress or set right any error--whenever the Stewards have in fact given a decision disqualitying a man or a horse. The disqualification is the decision'

In Australian Workers' Union v Bowen, another trade union case, the decision of the first domestic tribunal, which expelled the plaintiff, was held to be contrary to natural justice on grounds of bias. The plaintiff appealed to the annual convention which, it was held, gave fresh authority to the expulsion decision (this point will be discussed later). Their Honours (77 CLR 601 at 618, 619, 632 respectively) clearly thought that the annual convention had jurisdiction to entertain the appeal: see per Latham CJ. Rich J, Dixon J (with whose judgment Starke J concurred).

In the New Zealand case of *Denton v Auckland City*, though mainly concerned with the right of the complainant to seek relief from the court after appealing to an administrative board (and on this point following *Annamunthodo's* case, the court appears ave decided that the board had no basis on which it could entertain an appeal because the original decision was void. If is so, the case is out of line with other authorities and their Lordships would not be able to follow it. *Pillai v Singapore City Council* does not appear to have been cited.

For these reasons based on authority and principle their Lordships do not accept the appellant's argument that the committee had no jurisdiction to entertain the appellant's appeal.

The appellant's second argument can be stated, for purposes of description, as being that such defects of natural justice as may have existed as regards the proceedings before the stewards, were not capable of being cured by the appeal proceedings before the committee, even though, as was not contested before this Board, these were correctly and fairly conducted. The respondents contend the contrary. This part of the argument involved consideration of a wide range of authorities of this Board, and in Australia, Canada, England and New Zealand. As regards decisions of this Board a conflict was said to exist between *Annamunthodo's* case and *Pillai v Singapore City Council*, each of which has been followed by other decisions. There was also said to be a conflict between *Annamunthodo's* case and the High Court in *Australian Workers' Union v Bowen*, a conflict giving rise to difficulties for Australian state courts. Other individual decisions were cited which it appears difficult to reconcile.

Although, as will appear, some of the suggested inconsistencies of decisions disappear, or at least diminish, on analysis, their Lordships recognise and indeed assert that no clear and absolute rule can be laid down on the question whether defects in natural justice appearing at an original hearing, whether administrative or quasi-judicial, can be 'cured' through appeal proceedings. The situations in which this issue arises are too diverse, and the rules by which they are governed so various, that this must be so.

[1979] 2 All ER 440 at 448

There are however a number of typical situations as to which some general principle can be stated. First there are cases where the rules provide for a rehearing by the original body, or some fuller or enlarged form of it. This situation may be found in relation to social clubs. It is not difficult in such cases to reach the conclusion that the first hearing is superseded by the second, or, putting it in contractual terms, the parties are taken to have agreed to accept the decision of the hearing body, whether original or adjourned. Examples of this are *De Verteuil v Knaggs* ([1918] AC 557 at 563), *Posluns v Toronto Stock Exchange, Re Clark and Ontario Securities Commission, Re Chromex Nickel Mines Ltd.*, and see also *Ridge v Baldwin* ([1963] 2 All ER 66 at 80, [1964] AC 40 at 79), per Lord Reid.

At the other extreme are cases, where, after examination of the whole hearing structure, in the context of the particular activity to which it relates (trade union membership, planning, employment etc) the conclusion is reached that a complaint has the right to nothing less than a fair hearing both at the original and at the appeal stage. This was the result reached by Megarry J in *Leary v National Union of Vehicle Builders*. In his judgment in that case the judge seems to have elevated the conclusion thought proper in that case into a rule of general application. In an eloquent passage he said ([1970] 2 All ER 713 at 720, [1971] Ch 34 at 49):

'If the rules and the law combine to give the member the right to a fair trial and the right of appeal, why should he be told that he ought to be satisfied with an unjust trial and a fair appeal? ... As a general rule ... I hold that a failure of natural justice in the trial body cannot be cured by a sufficiency of natural justice in an appellate body.'

In their Lordships' opinion this is too broadly stated. It affirms a principle which may be found correct in a category of cases these may very well include trade union cases, where movement solidarity and dislike of the rebel, or renegade, may make it difficult for appeals to be conducted in an atmosphere of detached impartiality and so make a fair trial at the first (probably branch) level an essential condition of justice. But to seek to apply it generally overlooks, in their Lordships' respectful opinion both the existence of the first category, and the possibility that, intermediately, the conclusion to be reached, on the rules and on the contractual context, is that those who have joined in an organisation, or contract, should be taken to have agreed to accept what in the end is a fair decision, notwithstanding some initial defect.

In their Lordships' judgment such intermediate cases exist. In them it is for the court, in the light of the agreements made, and in addition having regard to the course of proceedings, to decide whether, at the end of the day, there has been a fair result, reached by fair methods, such as the parties should fairly be taken to have accepted when they joined the association. Naturally there may be instances when the defect is so flagrant, the consequences so severe, that the most perfect of appeals or rehearings will not be sufficient to produce a just result. Many rules (including those now in question) anticipate that such a situation may arise by giving power to remit for a new hearing. There may also be cases when the appeal process is itself less than perfect; it may be vitiated by the same defect as the original proceedings, or short of that there may be doubts whether the appeal body embarked on its task without predisposition or whether it had the means to make a fair and full inquiry, for example where it has no material but a transcript of what was before the original body. In such cases it would no doubt be

right to quash the original decision. These are all matters (and no doubt there are others) which the court must consider. Whether these intermediate cases are to be regarded as exceptions from a general rule, as stated by Megarry J, or as a parallel category covered by a rule of equal status, is not in their Lordships' judgment necessary to state, or indeed a matter of great importance. What is important is recognition that such cases exist, and that it is undesirable in many cases of domestic sputes, particularly in which an inquiry and appeal process has been established, to introduce too great a measure of formal judicialisation. While flagrant cases of injustice, including corruption or bias, must always be firmly dealt with by the courts, the tendency in their Lordships' opinion in matters of domestic disputes should be to leave these to be settled by the agreed methods without requiring the formalities of judicial processes to be introduced.

The Lordships now comment on the principal authorities.

Annamunthodo's case was a trade union case. It is not, in their Lordships' judgment, a case of 'curing the defect' at all. The General Council had acted invalidly in expelling the appellant through a rule (r 11(7)) under which he had not been charged. It would seem clear that the annual conference, which had appellate functions, had no more power to use the rule in order to expel him. Thus the same defect existed at both instances (of Fagan v National Coursing Association of South Australia Inc, for another example). The argument in the case turned only on whether r 11(7) created merely a penalty or a fresh charge, and on whether the appellant having appealed to the annual conference had lost his right to go to the court. It does not support a general proposition that defects at first instance cannot be 'cured' on appeal.

Pillai v Singapore City Council was a case of administrative bodies concerned with the dismissal of an employee. The decision of the Board against the employee was put on cumulative grounds: first, that the employee was not entitled to require that the rules of natural justice should be observed in proceedings leading to his dismissal; secondly, that the rules of natural justice, if applicable, had not been breached; thirdly, that if the rules of natural justice had been breached at first instance, the defect was cured on appeal. There had been a rehearing by way of evidence de novo which cured the initial defect.

Joint Lordships regard this as a decision that in the context, namely one of regulations concerning establishments procedures, place can be held to be done if, after all these procedures had been gone through, the dismissed person has had a fair hearing and put his case. It is thus an authority in favouring the existence of the intermediate category, but not necessarily one in favour of a general rule that first instance defects are cured by an appeal. Their Lordships are also of opinion that the phrase 'hearing of evidence de novo', though useful in that case, does not provide a universal solvent. What is required is examination of the hearing process, original and appeal as a whole, and a decision on the question whether after it has been gone through the complainant has had a fair deal of the kind that he bargained for.

From this analysis it appears that there is no real conflict between the cases of *Annamunthodo* and *Pillai*. The situations to which they applied are different; neither lays down a rule contradicted by the other.

First, as regards Australian decisions, *Meyers v Casey* provides clear support for the intermediate position, and applies it to a voluntary, consensual situation (viz the rules of the Victoria Racing Club) similar to the present. The judgments, particularly that of Isaacs J, perceive the necessity to look at the whole of the accepted rules, and to decide whether the parties have agreed to accept the results of the totality of the procedure, if at the end the procedure is fair.

Australian Workers' Union v Bowen, a trade union case, is an authority supporting the

[1979] 2 All ER 440 at 450

intermediate position. The convention (the appeal body), it was held, had complete authority over the whole question of expulsion and it was for it to decide whether the findings, and dismissals from membership, should be set aside, varied or confirmed (per Dixon J ((1948) 77 CLR 601 at 632). The principle stated is clear; the application may differ from that decided in *Leary's* case.

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Secondly, Twist v Randwick Municipal Council, a case arising under the Local Government Act 1919 (NSW) and concerned with a demolition order, contains a passage (51 ALJR 193 at 196-197) in the judgment of Mason J where his Honour expresses preference for the judgments of this Board in Pillai and of the Canadian decisions in Re Clark and Ontario Securities Commission and King v University of Saskatchewan over the cases of Denton and Leary. The whole passage is close to their Lordships' views. The views of Barwick CJ, shortly expressed, are to the same effect (51 ALJR 193 at 195).

Thirdly, there are two New South Wales cases which support the proposition that denial of justice in a domestic tribunal cannot be cured on appeal; these are *Hail v New South Wales Trotting Club* and *Ethell v Whalan*. These are in part at least on the basis that *Annamunthodo's* case establishes such a rule, and that it is a binding decision in New South Wales. But in their Lordships' view the former is not the case. *Meyers v Casey* and *Pillai's* case were not cited, and the decisions cannot be regarded as authoritative on the point under discussion.

Fourthly, there are Canadian decisions. Reference has already been made to *Re Clark and Ontario Securities Commission* and *King v University of Saskatchewan*. These support the respondents' position. The appellant relied on *Re Cardinal and Board of Commissioners of Police of City of Cornwall*, a decision based on a distinction between an appeal procedure and one by way of hearing de novo. Their Lordships would regard it as a decision on the facts: on principle it is not easy to reconcile with *Pillai's* case.

Finally there are cases in New Zealand. *Denton's* case has already been referred to; it was reviewed together with other New Zealand cases by the Court of Appeal in *Reid v Rowley*, a case concerned with trotting. The decision was that an appeal to a domestic or administrative tribunal does not normally cure a breach of natural justice by a tribunal of the first instance so as to oust the jurisdiction of the courts to redress such breaches, but the exercise of such a right of appeal is a matter that may be then into account by the courts in considering the grant of discretionary remedies. This decision was reached, as the ment of Cooke J shows, after examination of the cases of *Annamunthodo* and *Pillai*, and other relevant English and Canadian cases. In general their Lordships find that the approach of that case is in line with that sought to be made in this judgment.

[1979] 2 All ER 440 at 451

It may be that the court adopted a more reserved attitude as regards the effect, after a denial or breach of natural justice at first instance, of a full examination on appeal. In one passage it is said ([1977] 2 NZLR 472 at 482):

'... the conferment of wide powers on a domestic or statutory appeal tribunal, including power to rehear the evidence orally, is not enough to insulate the appellate jurisdiction automatically from the effects of a failure of natural justice at first instance.'

Their Lordships agree, and have given their reasons for concluding, that in this field there is no automatic rule. But they do not understand the Court of Appeal to be subscribing to a view that cases of 'insulation' of 'curing', after a full hearing by an appellate body, may not exist; on the contrary Cooke J expresses the opinion that the court, in the exercise of its discretion, when reviewing the domestic or statutory decision, should take into account all the proceedings which led to it, the conduct of the complaining party and the gravity of any breach of natural justice which may have occurred. This, though perhaps with some difference in emphasis, is their Lordships' approach.

It remains to apply the principles above stated to the facts of the present case. In the first place, their Lordships are clearly of the work that the proceedings before the committee were in the nature of an appeal, not by way of an invocation, or use, of whatever original jurisdiction the committee may have had. The nature of the appeal is laid down by the Australian Jockey Club Act 1873, s 32, and by the rules. Under the Act, the appeal is to be in the nature of a rehearing, a technical expression which does little more than entitle the committee to review the facts as at the date when the appeal is heard (see *Builders Licensing Board v Sperway Construction Pty Ltd* ((1976) 51 ALJR 260 at 261), per Mason J), not one which automatically insulates their findings from those of the stewards. The decision is to be 'upon the real merits and justice of the case', an injunction to avoid technicalities and the slavish following of precedents but not one which entitles the committee to brush aside defective or improper proceedings before the stewards. The section is then required to be construed as supplemental to and not in derogation of or limited by the Rules of Racing. This brings the matter of disputes and discipline clearly into the consensual field. The Rules of Racing (Local Rules, rr 70 to 74) allow the committee to take account of evidence already taken and of additional evidence, and confer wide powers as to the disposal of appeals.

In addition to these formal requirements, a reviewing court must take account of the reality behind them. Races are run at short intervals; bets must be disposed of according to the result. Stewards are there in order to take rapid decisions as to such matters as the running of horses, being entitled to use the evidence of their eyes and their experience. As well as acting inquisitorially at the stage of deciding the result of a race, they may have to consider disciplinary action; at this point rules of natural justice become relevant. These require, at the least, that persons should be formally charged, heard in their own defence, and know the evidence against them. These essentials must always be observed but it is inevitable, and must be taken to be accepted, that there may not be time for procedural refinements. It is in order to enable decisions reached in this way to be reviewed at leisure that the appeal procedure exists. Those concerned know that they are entitled to a full hearing with opportunities to bring evidence and have it heard. But they know also that this appeal hearing is governed by the Rules of Racing, and that it remains an essentially domestic proceeding, in which experience and opinions as to what

[1979] 2 All ER 440 at 452

is in the interest of racing as a whole play a large part, and in which the standards are those which have come to be accepted over the history of this sporting activity. All those who partake in it have accepted the Rules of Racing, and the standards which lie behind them; they must also have accepted to be bound by the decisions of the bodies set up under those rules so long as, when the process of reaching these decisions has been terminated, they can be said, by an objective observer, to have had fair treatment and consideration of their case on its merits.

In their Lordships' opinion precisely this can, indeed must, be said of the present case. The appellant's case has received overall, full and fair consideration, and a decision, possibly a hard one, reached against him. There is no basis on which the court ought to interfere, and his appeal must fail.

The respondents took other points against the appellant, notably that, having elected to take his case to the committee on appeal, he had lost his right of resort to the court. Their Lordships need say no more of this argument than that it appears to present difficulties both on the authorities and in principle. But they need come to no conclusion on it.

They will humbly advise Her Majesty that the appeal be dismissed. The appellant must pay one set of costs to the respondents.

Appeal dismissed.

Solicitors: Waterhouse & Co (for the appellant); Linklaters & Paines (for the respondents).

Mary Rose Plummer Barrister.

[1979] 2 All ER 440 at 453

[1976] 1 All ER 12

Selvarajan v Race Relations Board

COURT OF APPEAL, CIVIL DIVISION

LORD DENNING MR, LAWTON AND SCARMAN LJJ

15, 16, 30 JULY 1975

Race relations - Investigation of complaint - Race Relations Board - Duty to act fairly - Requirements of fairness - Parties entitled to be informed of substance of case against them - Duty of members of the board to consider all the evidence and papers in the case - Board delegating function of collecting information to officer of the board - Report of officer recommending board to form opinion that no discrimination had taken place - Three members of board only considering all the papers in case - Board concluding that no discrimination had taken place - Whether board having acted fairly.

Race relations - Investigation of complaint - Race Relations Board - Reinvestigation of complaint after investigation by ciliation committee - Report of conciliation committee - Whether board limited to considering report only - Whether board entitled to consider all the evidence before conciliation committee - Race Relations Act 1968, s 15(5).

Race relations - Investigation of complaint - Conciliation committee - Requirement to form an opinion whether 'any person' has been guilty of unlawful discrimination - Finding of committee - Finding that unlawful discrimination has taken place - Whether necessary to identify in finding person who has been guilty of discrimination - Race Relations Act 1968, s 15(3)(a).

The applicant was an Indian employed by the Inner London Education Authority ('the ILEA') as a lecturer grade I. He was employed in that post for 14 years. He applied for promotion to a lecturer grade II but another candidate, less well qualified academically and without such long service as the applicant, was appointed to the post. The applicant thought that the decision not to promote him had been made because of his colour or race and that there had been unlawful discrimination against him. He made a written complaint against the ILEA to the Race Relations Board ('the board'). The board referred the complaint to a conciliation committee under s 15(2)(a) of the Race Relations Act 1968. The conciliation committee investigated the complaint thoroughly over a period of nine months, receiving representations from all concerned. On 9 February 1972 the committee formed the opinion that unlawful discrimination against the applicant had occurred. The committee, having failed to secure a settlement between the parties or to obtain an assurance against any repetition of the discrimination, made a report to the board, as required by s 15(5) of the 1968 Act. The report simply stated the opinion formed by the committee and their fallure to secure a settlement or an assurance against repetition of the discrimination. The report did not identify the ILEA as the person who had been guilty of the unlawful discrimination. The board, having considered that report and discussed the matter with the conciliation committee, took the view that the decision not to promote the applicant might have been due to his personality, and not to his colour or race. The board therefore decided to reinvestigate the complaint under s 15(5). For that posse the board acted through one of their committees, the employment committee, which consisted of seven members. collection of information for the reinvestigation was carried out by one of the board's conciliation officers; she wrote to the ILEA, on 16 August 1972, giving them a summary of the applicant's complaint and requesting their comments on it. The ILEA gave a detailed reply. Having received the ILEA's comments, the conciliation officer wrote to the applicant on 24 November, inviting him to reply by 8 December to certain points which might be adverse to him. Without waiting for the applicant's reply the

[1976] 1 All ER 12 at 13

conciliation officer prepared a report, dated 4 December, for the members of the employment committee which was headed 'clearly predictable case' and which contained a summary of the complaint and the answers to it, and a recommendation that the employment committee should 'form an opinion of no unlawful discrimination'. The applicant did not reply by 8 December to the letter of 24 November. On 13 December the employment committee met to consider the complaint. Only the chairman of the committee and two other members had seen the full papers in the case; the other four members only had the record of the proceedings before the conciliation committee and the conciliation officer's report of 4 December. The employment committee formed the opinion that the applicant's personality had been the cause of the decision not to promote him and that no unlawful discrimination had occurred. The applicant applied for certiorari to quash the employment committee's decision. He also applied for mandamus to compel the conciliation committee to form an opinion as to the 'person' who had discriminated against him.

Held - (1) The application for certiorari would be refused for the following reasons--

(i) An investigating body such as the board was under a duty to act fairly. In order to comply with that duty it was not, however, necessary that every member of a non-judicial body making an investigation, or conducting an enquiry, should have access to all the papers and evidence in the case. Where the body in question had a large number of members it was usually sufficient if

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a quorum of three had done so. In all the circumstances the board had acted fairly since (a) the employment committee had investigated the complaint as thoroughly as the conciliation committee had done; (b) three members of the employment committee had considered all the papers in the case; (c) the board were entitled to delegate to their staff the function of collecting information and the employment committee had not acted unfairly in leaving the investigation of the complaint to the conciliation officer; (d) although it had been a mistake for the conciliation officer in her report of 4 December to prejudge the case by calling it 'clearly predictable' and to recommend to the employment committee the opinion which they should form, the report was merely a recommendation and had been so treated by the committee (see p 19 a to c and f, p 20 d to h, p 21 j and p 22 c d and g to p 23 b and g, post): Wiseman v Borneman [1969] 3 All ER 275, R v Gaming Board for Great Britain, ex parte Benaim [1970] 2 All ER 528 and Re Pergamon Press Ltd [1970] 3 All ER 535 applied.

- (ii) The board, in reinvestigating a complaint under s 15(5), were not limited to considering the report of the conciliation committee but were entitled to have recourse to the evidence and papers which had been before that committee. The reinvestigation was not an appeal, and the board were themselves entitled under s 15(3) to enquire into everything which had influenced the conciliation committee. Accordingly, the employment committee had not erred in law in taking into consideration the evidence which had been before the conciliation committee (see p 19 j to p 20 c, p 23 b and p 24 b to e, post).
- (2) The application for mandamus also failed since the provision in s 15(3)(a) that the conciliation committee should form an opinion whether 'any person' had been guilty of unlawful discrimination did not require the committee to name the person who in their opinion had been guilty of unlawful discrimination since it was clear that the applicant's employers, the ILEA, were in the committee's opinion the guilty person (see p 19 h, p 23 b and p 24 g, post).

Per Lord Denning MR. What the duty to act fairly requires depends on the nature of the investigation and the consequences which it may have on persons affected by it. The fundamental rule is that, if a person may be adversely affected by the investigation and report, he should be informed of the substance of the case made against him and be afforded a fair portunity of answering it. The investigating body is, however, the master of its own procedure (see p 19 b to e, post). [1976] 1 All ER 12 at 14

Notes

For consideration of complaints generally, and for the investigation of complaints relating to employment, see 4 Halsbury's

For the Race Relations Act 1968, s 15, see 40 Halsbury's Statutes (3rd Edn) 114.

Cases referred to in judgments

Attorney General (on the relation of McWhirter) v Independent Broadcasting Authority [1973] 1 All ER 689, [1973] QB 629, [1973] 2 WLR 344, CA.

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Maxwell v Department of Trade and Industry [1974] 2 All ER 122, [1974] QB 523, [1974] 2 WLR 338, CA.

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R v Gaming Board of Great Britain, ex parte Benaim [1970] 2 All ER 528, [1970] 2 QB 417, [1970] 2 WLR 1009, 134 JP 513, CA, *Digest* (Cont Vol C) 397, 352Aa.

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Anisminic Ltd v Foreign Compensation Commission [1969] 1 All ER 208, [1969) 2 AC 147, HL.

Ealing (London Borough) v Race Relations Board [1972] 1 All ER 105, [1972] AC 342, HL.

R v Deputy Industrial Injuries Comr, ex parte Moore [1965] 1 All ER 81, [1965] 1 QB 456, CA.

R v Registrar of Building Societies, ex parte a building society [1960] 2 All ER 549, [1960] 1 WLR 669, CA.

Smith v East Elloe Rural District Council [1956] 1 All ER 855, [1956] AC 736, HL.

Spackman v Plumstead District Board of Works (1885) 10 App Cas 229, HL.

Ward v James [1965] 1 All ER 563, [1966] 1 QB 273, CA.

Appeal

The applicant. Govindaswamy Selvarajan, applied for (1) an order of certiorari to quash a decision of the respondents, the Race Relations Board, given on 15 January 1972, that there had been no unlawful discrimination against the applicant, and (2) an order of mandamus directing the North Metropolitan Conciliation Committee to enter a complete finding of unlawful discrimination in accordance with s 15(3)(a) of the Race Relations Act 1968. The grounds on which the order of mandamus was sought were (i) that the conciliation committee had failed to enter a complete finding with the result that the applicant's employer, the Inner London Education Authority ('the ILEA') had rejected the committee's finding on the ground that the ILEA was not mentioned as the person who had committed the unlawful discrimination; and (ii) that that failure was the sole reason why a settlement had not been attempted with the result that the Race Relations Board were precluded from considering the proceedings under s 19 of the 1968 Act. On 7 February 1974 the Divisional Court of the Queen's Bench Division (Lord Widgery CJ, Boreham and May JJ) gave judgment dismissing the applications. The applicant appealed. By a respondent's notice, the Race Relations Board gave notice that on the hearing of the appeal they would contend that the Divisional Court's judgment should be affirmed on the additional ground that the board's duty in investigating complaints of discrimination pursuant to s 15 of the 1968 Act was to make only such enquiries as it bona fide considered necessary and was not to act judicially and/or fairly. The facts are set out in the judgment of Lord Denning MR.

The applicant appeared in person.

wichael Beloff for the Race Relations Board.

[1976] 1 All ER 12 at 15

Cur adv vult

30 July 1975. The following judgments were delivered.

LORD DENNING MR.

This case raises questions about the procedure of the Race Relations Board. The applicant, Govindaswamy Selvarajan, studied at the University of Madras and got degrees in physics and law. In 1955 he came to England. He was then aged 30. Two years later he entered the teaching profession here; and, whilst teaching, he studied further so that he became a master of science in the University of London; and he obtained the post-graduate certificate in education. So he is well qualified academically. In September 1957 he was employed by the Inner London Education Authority. In September 1961 he was a intended to the City of Westminster College (now known as Walbrook College) as a lecturer in mathematics and physics. He started as a lecturer grade I. He has been 14 years in that post in the same grade. That is very unusual. In the ordinary way a lecturer is promoted from grade I to grade II within a few years. He feels that he has not been promoted because of his colour or race, and thus there has been unlawful discrimination against him. He complained to the Race Relations Board. It was referred to a conciliation committee and they formed the opinion that there had been unlawful discrimination against him. But the Race Relations Board itself took a different view. They refused to take proceedings on his behalf against his employers, the Inner London Education Authority ('the ILEA'). He then applied to the Divisional Court for an order of certiorari to quash the board's determination. The Divisional Court refused. He now appeals to this court.

The relevant section is s 3(1) of the Race Relations Act 1968. It says:

'It shall be unlawful for an employer or any person concerned with the employment of others to discriminate against any other person ... (b) ... by refusing or deliberately omitting to afford or offer him ... the like opportunities for training and promotion as the employer makes available for persons of the like qualifications employed in like circumstances ... '

That section only came into force on 25 November 1968. Mr Selvarajan feels that, even before that date, he had been less favourably treated than others; but his actual complaint can, I think, only be made of matters arising after the Act was passed.

In February 1971 the staff of the college were informed that ten posts were to be upgraded to lecturer grade II, and that one of them had been allocated to the science department. The successful candidate was to be responsible for 'careers advice'.

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Lecturers grade I were invited to apply. There were three candidates. They were interviewed by a selection board consisting of the principal, the vice-principal, the head of the science department and an inspector of the ILEA. A Miss Lancaster was appointed. She was not so well qualified academically as Mr Selvarajan, nor had she anywhere near such long service. Mr Selvarajan was aggrieved that she had been appointed instead of him. He made a written complaint to the Race Relations Board against the ILEA, fully documented with letters of commendation for his work during his career.

The conciliation committee

On receiving that complaint the board, in accordance with their power under the 1968 Act, referred it to a conciliation committee; and it became the duty of the conciliation committee to investigate it: see s 15(2)(a), (b). The committee was the North Metropolitan Conciliation Committee. It had nine members of excellent qualifications. All were unpaid, giving their services voluntarily except for travelling expenses. The secretary was Miss Allport.

Section 15(3) of the 1968 Act says:

[1976] 1 All ER 12 at 16

In investigating any complaint the Board or a conciliation committee (a) shall make such inquiries as they think necessary with regard to the facts alleged in the complaint and form an opinion whether any person has done any act which is unlawful ...

In making their investigation, the board or the committee are entrusted with a task which has important consequences, both for the complainant and the accused. If they form an opinion that an accused has done an act which is unlawful, it means that civil proceedings may be brought against him for an injunction or damages (see s 19) and he will be put to all the worry and pense of contesting those proceedings. If they form an opinion that the accused has not done an act which is unlawful, it means that the complainant has no remedy at all.

The proceedings before the conciliation committee

The procedure adopted by the conciliation committee was this. First, the secretary, Miss Valerie Allport, wrote to the principal of the college telling him of the complaint. She met him and the members of the staff and discussed it with him. She saw Mr Selvarajan and discussed it with him. She received a letter from him with his comments. She saw the representatives of the ILEA and discussed the case with them. She put their answer to Mr Selvarajan and invited him to make his representations in writing. He did so. She made reports of her interviews, and collected all the letters together, and prepared them in a file for a

Second, the sub-committee (Lady Seear and Mr Thomas) met on 14 July 1971 and saw Mr Salvarajan. They felt that there were several points which were adverse to the college. So their secretary put the points to the principal and got his answer. They considered them and decided to seek a further meeting. On 11 October the sub-committee (Dr Bayliss and Lady Seear) met the principal of the college and a representative of the ILEA. On 13 October the full sub-committee (Mr Thomas, Dr Bayliss, Mr Bery, Mr Keating, Mr T Robert and Lady Seear) met and considered the case. They agreed to recommend to the concillation committee that unlawful discrimination had occurred and that this should be a 'starred case'.

Third, the secretary reported the result to Mr Selvarajan and the ILEA. Thereupon the ILEA asked for a further opportunity of being heard. This was granted. On 8 November the sub-committee heard them in full. Mr Selvarajan also made sesentations in writing and orally. He produced statements of several witnesses on his own behalf. The sub-committee sidered the case on five days, 24 and 26 November, 8 and 22 December 1971 and 26 January 1972. Finally the the case came back to the full conciliation committee on 9 February 1972, when ten members were present. They then formed the opinion that unlawful discrimination had occurred. The secretary notified this finding to all concerned.

Fourth, it then became the duty of the conciliation committee, under s 15(3)(b) of the 1968 Act, to--

use their best endeavours by communication with the parties concerned or otherwise to secure a settlement of any difference between them and, where appropriate, a satisfactory written assurance against any repetition ...

The secretary made approaches to this end, but they were rejected by the ILEA outright. In a letter of 14 March 1972, the education officer wrote denying any discrimination. He said:

'They are not, therefore, able to accept this opinion or to enter into the discussions proposed in your letter about a settlement and assurances; and they require that the matter be reported to the Race Relations Board for further investigation.'

Fifth, having failed to secure a settlement and assurances, the conciliation committee on 22 March 1972, as the 1968 Act

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to the Race Relations Board: see s 15(5). This was a formal report stating simply that the concil ation committee had failed. But Dr Bayliss, the chairman, supplemented it by a confidential note setting out the matters which weighed with them:

then years at Grade I with Mr. Selvarajan's qualifications needed some explanation ... We never had ... any convincing explanation ... There is a series of inconsistencies in the evidence presented by representatives of the College and the ILEA which created the impression that they would use whatever argument was convenient as a means of answering Mr. Sjelvarajan's complaint .. The ILEA have pushed our opinion aside and their letter makes it clear that they want the Board to ignore it. The Committee believe that a major public authority should not be allowed to get away with such cavalier treatment of one of the Board's regional committees ..."

I must say that I sympathise with the conciliation committee. Here they were, a group of able men and women, holding positions of responsibility, giving their time and skill to the service of the community, without any remuneration. They had investigated the complaint over a period of nine months, from May 1971 to February 1972. They had had representations in writing and orally from all concerned. They had given each side a full opportunity of meeting everything that was said on the other side. They had heard oral evidence and received written statements. They had discussed the case at length between themselves. It must have taken many hours. They had formed the opinion that there had been unlawful discrimination against Mr Selvarajan. Yet their opinion was rejected out of hand by the ILEA in terms, as if to say: 'We don't care about your opinion. We are not going to discuss the matter with you. We are going straight to the Race Relations Board. We want them to investigate it.'

The proceedings before the Race Relations Board

The Race Relations Board has a chairman and 11 members. It has authority to act by a group of members selected by the chairman: see s 14(4) of the 1968 Act. In this matter they acted by the employment committee of the board. The chairman of the employment committee is Sir Roy Wilson QC. The chairman of the board, Sir Geoffrey Wilson, is a member of the employment committee. And there are five others.

On 5 May 1972 Mrs Coussey, a conciliation officer, sent to each of the seven members a file containing a record of all the proceedings before the conciliation committee. It was over 100 pages. She also sent the confidential note prepared by the chairman of the conciliation committee; and, in addition, a summary made by the secretary of the conciliation committee. The conciliation officer recommended 'that the Committee defer a decision pending discussions with the North Metropolitan Conciliation Committee'.

On 10 May 1972 the full employment committee met. They decided to defer consideration until they had discussed the matter with members of the conciliation committee. This meeting took place on 23 May. It was attended by Sir Geoffrey Wilson, the chairman of the board, and the principal conciliation officer, Mr Hills. He made a report commenting that it was a question whether Mr Selvarajan's failure was due to personality rather than race or colour. He recommended that the committee should reinvestigate the case. The employment committee met on 7 June 1972. They decided that the board should reinvestigate the matter themselves. This was permissible under s 15(5) of the 1968 Act.

The reinvestigation was made in this way. On 16 August the conciliation officer, Mrs Coussey, wrote to the ILEA with a summary of Mr Selvarajan's complaint. On 17 November they replied in detail and attached a statement which covered 16 pc. On 24 November Mrs Coussey wrote to Mr Selvarajan setting out

[1976] 1 All ER 12 at 18

several points which might be regarded as adversely affecting his case. The letter concluded:

lif you wish to dispute or comment on these points, or if you wish to put forward any additional facts or arguments, you are invited to do so. You may put your views forward in any of the following ways: by writing a letter for the Committee's consideration; or to me personally and I will report them to the Committee: or put them to the Committee yourself. In putting your views to me or the Committee you may if you wish be assisted by a friend or an adviser. I should be very grateful if you would adopt one of these courses by 8 December 1972.

Although Mr Selvarajan was invited to take one of those courses by 8 December, he did not do so. On 13 December the employment committee met, but he had not replied even by that date. Meanwhile Mrs Coussey had prepared a report for the board dated 4 December which needs careful consideration. It is headed:

'Clearly predictable case--Full papers to Mota Singh. [Then there followed a short summary of the complaint and the answer in 1 1/2 pages.] Comments. A pre-opinion letter was sent to Mr. Selvarajan on 24 November. Representations are due by 8 December. Recommendation. That the Committee form an opinion of no unlawful discrimination.'

The employment committee was summoned for 13 December. The full papers in Mr Selvarajan's case were sent to the chairman of the employment committee (Sir Roy Wilson QC) and to one of the members, Mr Mota Singh, a barrister. The

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chairman of the board (Sir Geoffrey Wilson) also had them. At the meeting there were present Sir Roy Wilson QC, Sir Geoffrey Wilson and four members of the committee, together with five of the staff. Mr Mota Singh was unable to be present but he sent his apologies, together with a message that he had read the papers and had formed the view that there had been no unlawful discrimination, and asked that this view be passed on to the other members of the committee. The other four members of the committee had not had all the papers. They had the original set sent by Mrs Coussey. Since then they only had the summary prepared by Mrs Coussey saying it was 'Cleany predictable case' and recommending that there be a finding of 'no unlawful discrimination'.

At the meeting the chairman said that, having examined the papers, he agreed with the view of Mr. Mota Singh that there had been no unlawful discrimination. The other members of the committee agreed. The committee then formed the opinion that no unlawful discrimination had occurred. And that opinion was recorded in the minutes.

On the next day the board received a letter from Mr Selvarajan, dated 13 December. It did not give a reasoned reply. It contained much criticism of the board. He said:

The [Race Relations Board] in investigating the complaint from scratch is acting outside reason ... I cannot lend in yself to be associated with the activities of such an irrational body ... I shall certainly endeavour to take the whole matter to the High Court.

On receipt of that letter, the chairman (Sir Roy Wilson QC) directed that the matter should be reconsidered at their next meeting. It was so reconsidered at a meeting on 10 January 1973. On this occasion Mr Mota Singh was present. The employment committee confirmed its previous opinion.

31 July 1973 the Divisional Court gave leave to Mr Selvarajan to apply for certiorari. He served a notice of motion covering leave pages of reasons. On 7 February 1974 the Divisional Court dismissed his application.

The position of the Race Relations Board

The board, in a respondent's notice, raised this contention: that the duty of the

[1976] 1 All ER 12 at 19

board, in investigating complaints of discrimination, is only to make such enquiries as they bona fide consider necessary and not to act judicially and/or fairly.

That contention goes, I think, too far. In recent years we have had to consider the procedure of many bodies who are required to make an investigation and form an opinion. Notably the Gaming Board, who have to enquire whether an applicant is fit to run a gaming club (see *R v Gaming Board for Great Britain, ex parte Benaim*), and inspectors under the Companies Acts, who have to investigate the affairs of a company and make a report (see *Re Pergamon Press Ltd*), and the tribunal appointed under s 463 of the Income and Corporation Taxes Act 1970, who have to determine whether there is a prima facie case (see *Wiseman v Borneman*). In all these cases it has been held that the investigating body is under a duty to act fairly; but that affected by it. The fundamental rule is that, if a person may be subjected to pains or penalties, or be exposed to prosecution or proceedings, or deprived of remedies or redress, or in some such way adversely affected by the investigation and report, then he should be told the case made against him and be afforded a fair opportunity of answering it. The investigating body is, lever, the master of its own procedure. It need not hold a hearing. It can do everything in writing. It need not allow lawyers, the preliminary detail of the case against a man. Suffice it if the broad grounds are given. It need not name its informants. It can give the substance only. Moreover it need not do everything itself. It can employ secretaries and assistants to do all the preliminary work and leave much to them. But, in the end, the investigating body itself must come to its own decision and make its own report.

Applying these principles in the present case to the two bodies concerned, it seems to me that the conciliation committee conducted their investigations with the greatest care and the greatest fairness. They gave their services voluntarily without pay. They spent many hours in hearing all concerned and considering all the reports. They were impressed by Mr Selvarajan's high qualifications and long service. These exceeded those of the other candidates. They thought they were such as to merit his being promoted to lecturer grade II. On this account they inferred that there was discrimination against him.

Equally, however, the employment committee of the board conducted their investigations with much care and fairness. They had before them all the papers and information which was before the conciliation committee. But they thought that the conciliation committee had made a mistake. There was no evidence to show that Mr Selvarajan failed to get promotion because of his colour or his race. Everything went to show that it was his personality which made him unsuitable. He was not the best person for the post. Nor, indeed, the right person. The successful candidate, Miss Lancaster, was much more suitable. On this ground the board formed the opinion that there was no unlawful discrimination.

Now for the particular points raised by Mr Selvarajan.

'Any person'

Mr Selvarajan submitted that the conciliation committee--and the board--ought to name 'any person' of whom they formed an opinion that he had been guilty of unlawful discrimination. I do not think this is necessary. So long as it is reasonably clear. In this case it must have been the appointments committee of the college and also the ILEA.

'Investigate the complaint themselves'

Mr Seivarajan submitted that under s 15(5) of the 1968 Act the board, if they decided to investigate the complaint themselves, ought to have done so by making

[1976] 1 All ER 12 st 20

their own enquiries. They ought not to have had recourse to the evidence or papers which were before the conciliation committee: but only to the report of that committee. Section 15(5) says: '... the Board shall consider the report.' Mr S elvarajan submitted that the report itself was the thing. The board should not consider anything outside the report. A parallel might be made when the court considers the award of the arbitrator or the report of an inspector under the planning legislation. The court does not go outside it and consider the evidence. I do not think there is any parallel. The reinvestigation by the board is not to be regarded as an appeal from the conciliation committee. Section 15(3) says that, in investigating any complaint, the board 'shall make such inquiries as they think necessary'. That is quite wide enough to enable them to enquire into all the things which influenced the conciliation committee, and the evidence and reports before them.

The report by the conciliation officer

It was, I think, unfortunate that the conciliation officer headed her report: 'Clearly predictable case.' But there was a good son underlying it. In preparing the papers, it is very helpful for the staff to estimate the length of time needed to discuss the case and the amount of work to be done by the members to make a summary. But it was a mistake of the staff to prejudge the case by calling it 'clearly predictable' and by recommending to the board the opinion which it should form. That is undesirable because it might tempt the members of the board to take a short cut--and not read the papers--and merely rubber stamp the recommendation. The summary should outline the facts, the point in controversy and the issues. It should not tell the

Delegation to some members only

The most troublesome point is that several members of the board did not have all the papers. Four of them had only the summary of a 'clearly predictable case' of 1 1/2 pages and a recommendation that the committee should form the opinion of no unlawful discrimination. It may reasonably be inferred that these four were not in a position to form an opinion of their own. They must have gone by the opinion of the other three members who had received all the papers and had read them.

If this had been a judicial body, I do not think this would be right. Every member of a judicial body must have access to all the evidence and papers in the case, he must have heard all the arguments, and he must come to his own conclusion. The maxim delegatus non potest delegare applies strictly to judicial functions. But it is different with a body which is exercising administrative functions or which is making an investigation or conducting preliminary enquiries, especially when it is a numerous body. The Race Relations Board has 12 members. The employment committee has seven members. It is impossible to suppose that all of them need sit to determine a matter. Nor that all of those who sit should have read all the papers or heard all the evidence. But I do think that two or three, at any rate, must have done so. If there is a quorum of, say, as defined all the evidence. But I do think that two or three, at any rate, must have done so. If there is a quorum of, say, and defined all of the evidence also.

We were referred to Jeffs v New Zealand Dairy Production and Marketing Board. But in that case, on the construction of the statute, the board had no power to delegate its functions. It was necessary, therefore, for the board at least to have an accurate summary of the evidence and of the submissions. But in the present case the board undoubtedly had power to delegate its functions.

Conclusion

In my opinion Mr Selvarajan's complaint has been fully investigated in accordance with the 1968 Act. He has been most fairly treated. And the Race Relations Board

[1976] 1 All ER 12 at 21

formed an opinion which was manifestly correct, namely, that there had been no unlawful discrimination against him. I would, therefore, dismiss this appeal.

LAWTON LJ.

The broad question in this appeal is whether this court can, or should, interfere with a decision of the Race Relations Board. It can within limits; but, in my judgment, this is not a case in which it should.

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The Race Relations Act 1968 gives some people rights and impinges on the rights of others. Discrimination against persons on the ground of colour, race or ethnic or national origins in relation to the provision of goods, facilities, services, employment and accommodation (subject to certain exceptions) is declared unlawful. Parliament appreciated, however, that exhorting people to love their neighbours is one thing, getting them to do it is another. The Race Relations Board was set up to secure compliance with the provisions of the Act against discrimination and the resolution of differences arising out of any of those provisions. The main function of the board was to be conciliation and prevention. The Act did not enact that those who discriminate against others commit offences. The board has no power to initiate prosecutions. The most it can do is to start civil proceedings (a) for declarations that acts were unlawful by virtue of the provisions against discrimination. (b) for damages to compensate those who have suffered loss by reason of discrimination, (c) for injunctions to restrain discrimination in specified circumstances and (d) for the revision of contracts containing discriminatory terms; see ss 19, 21-23. The board has no jurisdiction to determine anything in a judicial sense. It has a duty to receive and investigate complaints (see s 15(1)); to use its best endeavours to secure a settlement of differences (see s 15(3)); to form an opinion whether there has been any unlawful discrimination (see s 15(4)); and, if there has been and the board has been unable to settle any difference, it can determine whether to bring civil proceedings of the limited kind to which I have already referred. It investigates, conciliates, and initiates. Forming an opinion that there has been no discrimination, as the board did in this case, is not a definitive determination of an issue: it is a preliminary to a decision whether proceedings should be initiated. In some respects its powers are like those of the Director of Public Prosecutions. He receives complaints from public bodies and members of the public; he can start investigations; and if he is of the opinion that there is sufficient evidence to justify a prosecution, he can initiate one; but he does not decide guilt or innocence. As far as I know, the courts have never interfered with the exercise of the director's discretion; but it does not follow that they could not do so if he refused or failed to perform his public duties or acted corruptly or unfairly: see Attorney General (on the relation of McWhirter) v Independent Broadcasting Authority ([1973] 1 All ER 689 at 698, 705, [1973] 1 QB 629 at 649, 657).

It should only interfere in the following circumstances. First, if the board has refused or failed to perform the functions which Parliament has given it. It is inconceivable that it would ever refuse to perform these functions; but if its work became very heavy it might allow its staff to do that which it should do itself. This is said by the applicant to have happened in this case. It might also shy away from investigating complaints made against powerful bodies. The applicant seems to have thought that his troubles have arisen from a reluctance on the part of the board to investigate his complaint against the ILEA. Secondly, courts can and should interfere if the board exceeds its powers. It has not been suggested in this case that it did, so nothing more needs to be prejudice of either a complainant or a person or body against whom complaint has been made. There has been no suggestion of corruption in this case. I have used

[1976] 1 All ER 12 at 22

the adverb 'unfairly' in preference to the applicant's phrase 'contrary to the rules of natural justice' for the reason I gave in *Maxwell v Department of Trade & Industry* ([1974] 2 All ER 122 at 131, 132, [1974] QB 523 at 539). The applicant's phrase is liable to lead courts into the trap of legalism. The common sense of the British people has appreciated that there are circumstances in which over strict attachment to legal forms can hinder the doing of what should be done. This is shown by the widespread use of such expressions as 'barrack-room lawyer' or 'sea lawyer'.

Applying these principles to the facts of this case, the results are clear. At the meeting of the board's employment committee on 10 January 1973, those present did form an opinion that what had been done by the ILEA was not unlawful discrimination. Whether they had sufficient material on which to do so is a matter which I will consider in relation to alleged unfairness. The will servant, Mrs Coussey, had made a recommendation in the document dated 4 December 1972. It may not have been as recommendation was made by her before she had seen the applicant's reply to the request for comments which she had made to him on 24 November 1972. The fact remains that all she did was to make a recommendation and the employment committee treated it as such. The suspicion which the applicant has about the board's reluctance to investigate his complaint against the ILEA is swept away by the evidence. The board did investigate it. By letter dated 16 August 1972 Mrs Coussey, on behalf of the board, reported to the authority what the applicant was alleging against them and requested comments. By letter dated 19 November 1972 the authority gave their answer, accompanied by no less than 15 foolscap pages of supporting statements. The last of them is not without interest; it was a letter signed by 14 members of the staff at Walbrook College, who had been the applicant's colleagues there. In it they protested at the suggestion that he had been subjected to discrimination.

I come now to the suggestion that the board acted unfairly. I found it difficult to follow what the applicant was complaining about in this respect. As far as I could make out his complaints came under the following heads: first, that the employment committee of the board had not investigated his complaint as thoroughly as the conciliation committee had done; secondly, that they had left the investigation to a civil servant, Mrs Coussey, instead of doing it themselves; thirdly, that they had formed their opinion not to initiate proceedings without having adequate material before them.

As to the first head of complaint, all the information which the conciliation committee had was passed on to the employment committee. As I have already recounted, Mrs Coussey, on behalf of the board, did reopen with the ILEA the matter of the applicant's complaint and gave him an opportunity of commenting on the material which that authority had put before the board. He acted tardily in taking advantage of this opportunity and when he did he misused it in a way which corroborated what the authority had said about his personality and why he had not been promoted.

For my part I can see no reason at all why the board should not delegate to its staff the function of collecting information. It would be impractical for the members of the board themselves to make investigations. How the board does what Parliament has entrusted it to do is not a matter for the courts to decide as long as it acts fairly and in good faith. It is for the board, not the courts, to decide how much information each of its members should have when considering a particular case. As long as the board, or one of its constituent committees, has enough information to enable it to make a fair assessment of the case, the courts will not interfere. How it gets the information is for the chairman and his advisers to decide. He may decide in a particular case that each member of the board, or the committee, should have a

[1978] 1 All ER 12 at 23

copy of the whole file. In another case he may consider that the case can be adequately and fairly dealt with if one member has the file and reports to the others what is in it. In this case three members of the employment committee had a copy of the complete file. This was enough to enable the committee to deal with the applicant's case fairly.

In my judgment the applicant has failed to show cause for interfering in any way with the employment committee's decision not to initiate proceedings. I would dismiss the appeal.

SCARMAN LJ.

The North Metropolitan Conciliation Committee of the Race Relations Board reported to the board that they had investigated a applaint by Mr Selvarajan, a teacher, of unlawful discrimination against him by his employers, the ILEA; that they had formed opinion that there was unlawful discrimination; but that they had failed to secure a settlement of the difference or an assurance from the ILEA that there would be no repetition of the act complained of. The complaint was that he had been denied promotion because of his race. After receiving the report, the board decided to investigate the complaint themselves. They formed a contrary opinion and reached a determination that they would take no further action.

Mr Selvarajan's case against the board is not what you might expect. He does not rely on an allegation of lack of natural justice in the way the board handled his complaint. He says no such question arises. He says that the board erred in law in deciding themselves to investigate his complaint, when, as he submits, it was their duty to send it back to the conciliation committee with an instruction to that committee to fulfil their statutory duty of making a report.

As I understand his argument, he takes the following points: (1) that there was no report under the statute, because the conciliation committee failed to identify 'any person' as having done the unlawful act: Race Relations Act 1968, s 15(3)(a); (2) that the committee being seised of the complaint, the board had no jurisdiction themselves to investigate it; they were bound by the report; their purported investigation was, therefore, a nullity. This point is one of construction of s 15(5) of the 1968 Act.

Accordingly, he sought from the Divisonal Court an order of certiorari to quash the determination of the board and an order of mandamus to compel the conciliation committee to form an opinion as to the person or persons who had discriminated against him. The Divisional Court refused this relief, and he appeals to this court.

Inevitably, though Mr Selvarajan roundly asserted it was not his case, considerable discussion has arisen whether the board acted fairly in their handling of his complaint. I agree with Lord Denning MR and Lawton LJ that the board was under an ation to act fairly, and did so. If it be any part of Mr Selvarajan's case that the board acted unfairly, the contention fails, in my judgment, for the reasons that Lord Denning MR and Lawton LJ have given. Whatever be the extent of their legal obligations, the board dealt faithfully with Mr Selvarajan's complaint. They, and their officers, went to great trouble to get at the facts. The volume of documentary material available to the board was prodigious: Sir Roy Wilson, Sir Geoffrey Wilson and Mr Singh, all of them members of the board and its employment committee, studied the papers in depth; the board had the complaint on its agenda at four meetings, and deferred its final determination until it had considered Mr Selvarajan's written observations in his letter of 13 December 1972. The complaint came for the first time to the attention of the board, as distinct from its conciliation committee, in May 1972, when that committee's voluminous file (over 100 documents) together with a note prepared by the committee's chairman, was sent to the board. There ensued meetings between members of the conciliation committee, the chairman of the Race Relations Board, and board officers. In June the board decided itself to investigate the complaint. During the summer, an officer of the board sought to

[1976] 1 All ER 12 at 24

make contact and to arrange a meeting with Mr Selvarajan: but he was not available. On 24 November Mr Selvarajan was invited by letter to make such further representations as he might wish either at a meeting or by letter. Finally, after receipt of his written reply, which was not sent until 13 December, the board made their final decision and duly informed Mr Selvarajan by letter of 15 January 1973. During those eight months Mr Selvarajan was given every opportunity to present and develop his complaint, while the board and its officers applied themselves conscientiously to its investigation.

The truth is that Mr Selvarajan's case, as he chose to present it, is based on a total misconception of the 1968 Act. He would have us believe that the Act has created a fixed hierarchy of institutions performing judicial functions, that at each level of the hierarchy the judicial duty must be done before the complaint under consideration can be passed on to the next level; and, if a conciliation committee reports that the complaint is justified but that it has not obtained a settlement or an assurance of no

Page 10 of 10

repetition, the board may not go beyond the report but must make their decision on the basis of the information contained in the and on nothing else.

The Race Relations Board coes not exercise judicial functions. Part II of the Act is absolutely clear. The board was created so that in the sensitive field of race relations compliance with the law and the resolution of differences could first be sought without recourse to the courts with their necessarily open and formalised judicial process. The board is an administrative agency charged with a number of critically important functions in the administration of the law; but it is not a judicial institution—nor is it the apex of a hierarchy of judicial institutions. The procedures are not adversarial but conciliatory: settlement, not litigation, is the business of the board, and it is left to the board to decide how best to perform the functions which the Act requires it to perform, namely, investigation, the formation of an opinion, conciliation, and, if all else fails, the taking of legal proceedings in the county court. I draw attention specifically to ss 14 and 15 of the Act.

The board is, of course, subject to the supervisory powers of the High Court. If it fails to perform a statutory function, mandamus will lie. If it fails to act fairly, the High Court can intervene by certiorari, prohibition, or mandamus to ensure that it does. Subject to such supervision (the limits of which in the case of an administrative agency charged with making decisions that directly affect private persons are by now well known) the Race Relations Board—not the courts—decides in its field how to go about the task of securing compliance with the law and resolving differences.

In the present case the conciliation committee undoubtedly made a report. I reject Mr Selvarajan's point that the committee failed to identify the person who in their opinion discriminated. The ILEA was his employer and took full responsibility. Under s 15(5) it then became the board's duty to consider the report, which has been done. The board then had to decide whether or not themselves to investigate the complaint. They decided to investigate. The board then had to form an opinion, which they did. They then had to decide what, if anything, to do, which they also did. After studying the immense amount of relevant paterial assembled and considered by the board. I wish to pay my tribute to them for the way they handled Mr Selvarajan's complaint.

I would dismiss the appeal.

Appeal dismissed.

Solicitors: Bindman & Partners (for the Relations Board).

Wendy Shockett Barrister.

[1976] 1 All ER 12 at 25

And the same of th

Sent: To:

23 April 2010 09:34 'MACKAY, JP Lord'

Subject:

University of Cambridge - Commissary case

Attachments:

Reporter error.txt; Re Reporter error.txt

Reporter error.txt (5 KB)

Re Reporter error.txt (8 KB)

Dear Lord Mackay

Flease see email below. My first attachment is the email she refers to. The second attachment is the string of subsequent emails between and the Registrary.

I will tell the company that the emails have been forwarded. I was on a day of pave yesterday, hence the delay in forwarding to you.

Kind Regards

Secretary to the Commissary University of Cambridge The Old Schools Cambridge CB2 1TN

tel: fa[.]

----Original Message----

From: Sent: 22 April 2010 10:15

То:

Subject: At your discretion

The email to the Registrary and University Draftsman about the mis-published Report is to be forwarded to the Commissary at your discretion since it is not yet the final the form the form the response to him. It would form an attachment to the response.

Reporter error (2)

Sent: 22 April 2010 10:13

To: DIST Registrary Cc: Susan Bowring;

Subject: Reporter error?

Jonathan.

As you may have seen from the newsgroup ucam.change.governance I have raised a concern about the publication in the Reporter this week of a Report which appears not to be a Report to the University and which should have been a URL with a Notice.

http://www.admin.cam.ac.uk/reporter/current/weekly/6185/section7.shtml#heading2-

As a contributor to the Newsgroup points out:

'if there really is going to be no Discussion then that is in breach of ordinances, Chapter I, p. 107, CONDUCT OF BUSINESS, 1(a) which reads:

"Every Report submitted to the University shall be brought forward for consideration by the Regent House at a Discussion'

This is important. It is the first time I remember such an error in the historical record, the correct keeping of which which is of course a historic duty of the Registrary.

I does, please, need to be put right, either by a correcting Note or by putting the Report up for Discussion.

And I will not forbear to point out that the refusal to publish a timely Report to the University about the plans to make changes to the Library requiring tatutory change, which is currently the subject of an appeal to the Commissary, seems even more inexcusable when a 'report' which is a non-Report can be so casually published as a Report like this. All that was needed in that connection was for the Notice of last November

http://www.admin.cam.ac.uk/reporter/current/weekly/6168/section1.shtml#heading2-

to be published in the form of a Report instead. Then we should have had the Discussion opportunity which is needed before 'implementation' runs beyond what the statutes permit as currently appears to be happening.

I copy in the Secretary to the Commissary.

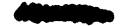
Re Reporter error (2) From: (Sent: 22 April 2010 18:13 To: Jonathan Nicholls Cc: Susan Bowring: Subject: Re: Reporter error? Thank you. That is splendid. On 22 Apr 2010, at 17:57, Jonathan Nicholls wrote: > No objection and we will do that. I take the point you are making about possible misunderstandings. Jonathan > Dr J W Nicholls > Registrary > The Old Schools > University of Cambridge CB2 1TN T: +44 > F: > +44 > E: --Original Message--From: Sent: 22 April 2010 16:55 To: Jonathan Nicholls Cc: DIST Registrary; Susan Bowring; Subject: Re: Reporter error? Jonathan, > Thank you, but that was not my point. This should have been published as a URL under Notices. Otherwise all annual reports of this type will end up under Reports in the Reporter. That has never been the custom. The heading Reports is strictly for Reports to the University. There will be much confusion if Reports includes some which are for Discussion and some which are not. when I was on the Council the problem was that these annual reports were not published. It is of course good that they should be published online. But it is surely of the utmost importance that there should be no possibility of confusion between a report and a Report. A Report triggers a Discussion. report does not. The normal and proper course is to publish a Notice with a URL taking the reader to the 'report' > Please can a note be put into the next Reporter pointing out that this should have been listed under Notices? Can there be any reasonable objection to that when it is so easily done? On 22 Apr 2010, at 16:43, Jonathan Nicholls wrote: >> By Ordinance, the Theatre Syndicate is required to report to the Council. That it has done. It was felt that providing a reference to its report in the Reporter would be of interest and utility to members of the Regent House and other readers of the Reporter. The Syndicate's report is therefore not covered by the Ordinance you quote.

>>

>>

Re Reporter error (2)

>> Jonathan >> Sent: 22 April 2010 10:13 >> >> To: DIST Registrary >> Cc: Susan Bowring; >> Subject: Reporter error? >> Jonathan, >> >> As you may have seen from the newsgroup ucam.change.governance I have raised a concern about the publication in the Reporter this week of a Report which appears not to be a Report to the University and which should have been a URL with a Notice. >> >> http://www.admin.cam.ac.uk/reporter/current/weekly/6185/section7.shtm >> 1#heading2-22 >> >> As a contributor to the Newsgroup points out: >> 'if there really is going to be no Discussion then that is in breach >> of Ordinances, Chapter I, p. 107, CONDUCT OF BUSINESS, 1(a) which reads: >> "Every Report submitted to the University shall be brought forward >> for consideration by the Regent House at a Discussion >> This is important. It is the first time I remember such an error in the historical record, the correct keeping of which which is of course a historic duty of the Registrary >> I does, please, need to be put right, either by a correcting Note or by putting the Report up for Discussion. - And I will not forbear to point out that the refusal to publish a -> timely Report to the University about the plans to make changes to >> the Library requiring statutory change, which is currently the >> subject of an appeal to the Commissary, seems even more inexcusable >> when a 'report' which is a non-Report can be so casually published >> as a Report like this. All that was needed in that connection was >> for the Notice of last November >> >> http://www.admin.cam.ac.uk/reporter/current/weekly/6168/section1.shtm >> 1#heading2-7 >> >> to be published in the form of a Report instead. Then we should have had the Discussion opportunity which is needed before 'implementation' runs beyond what the statutes permit as currently appears to be happening. >> I copy in the Secretary to the Commissary. >>



MACKAY, JP Lord [MACKAYJP@parliament.uk]

Sent:

30 April 2010 14:38

To:

Subject:

University of Cambridg2.doc

Attachments: University of Cambridg2.doc

I attach order for sending to

and the University. I will send a signed hard copy.

With many thanks. James Mackay

(i) The content of the content of

University of Cambridge Order of the Commissary In Application of

I will deal with this application on the papers.

I have considered the documents so far submitted. Before proceeding further I invite the Applicant to clarify her submission.

In her submission to the Vice-Chancellor dated 20 December 2009 the Applicant states that the General Board has put before the Council a Notice for publication in the Reporter of 26th November 2009 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.

My understanding is that the Notice is a copy of the Report of the Committee that the Board had set up to consider these and other matters. I am at a loss to understand how the Applicant's said statement can be justified.

A similar suggestion is made in A1 and B1.1 of this application and seems fundamental to it

I allow fourteen days from the date of the Applicant's receipt of a copy of this order for her to respond.

> Mackay of Clashfern 30 April 2009

Sent:

04 May 2010 15:00

To:

MACKAY, JP Lord'

Subject:

FW: University of Cambridge - review by the Commissary (

Attachments: Order of the Commissary 30 Apr 10_scanned.pdf

Copy of my email sent today. The Order had been dated 2009 but I did not think it would be necessary to delay issuing it as there can be no doubt that 2010 was meant

Kind Regards



From:

Sent: 04 May 2010 13:07

Jent. 04 May 2010 13.07

o: DIST Registrary

Cc: Graham Allen; Alan Clark

Subject: University of Cambridge - review by the Commissary

To:

The Registrary

cc:

The Academic Secretary
The Administrative Secretary

Application to the Commissary by

The Commissary has asked me to forward the attached signed order.

I would be grateful to receive response within the timescale indicated for onward transmission to the Commissary.



Secretary to the Commissary University of Cambridge The Old Schools Cambridge CB2 1TN tel:

This e-mail and any files transmitted with it are strictly confidential and intended only for the use of the individual or organisation to whom they are addressed. They may contain information which is privileged. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and destroy the original message. Thank you.

University of Cambridge Order of the Commissary In Application of

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A similar suggestion is made in A1 andB1.1 of this application and seems fundamental to it

I allow fourteen days from the date of the Applicant's receipt of a copy of this order for her to respond.

Mackay of Clashfern 30 April 2009

Mickey 1 Clarken

4

From:

4

Sent:

06 May 2010 09:46

To:

'MACKAY. JP Lord'

Subject:

FW: University of Cambridge - review by the Commissary

Response

Attachments: Response to Order of the Commissary dated 30 April 2010.doc: ATT00001. htm

Dear Lord Mackay

I have received received response to your order (attached and I have acknowledged receipt).

Kind Regards

From:

Sent: 05 May 2010 18:13

To:

Subject: Re: University of Cambridge - review by the Commissary

Response

This e-mail and any files transmitted with it are strictly confidential and intended only for the use of the individual or organisation to whom they are addressed. They may contain information which is privileged. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and destroy the original message. Thank you.

Response to the Order of the Commissary dated 30 April 2010

- 1. The point the Commissary raises is indeed fundamental. The Order notes that it is the Commissary's 'understanding ... that the Notice is a copy of the Report of the Committee that the Board had set up to consider these and other matters'. I wonder, with respect, whether he is confusing two constitutionally distinct usages of the term 'report'. A 'report' may be any document in which a committee or other body summarises the outcome of study it has been commissioned to undertake. In Cambridge a Report to the University has a key place in the constitution. The 'report of the committee' to which the Commissary refers is not a Report to the University.
- 2. The making of a Report to the University is a stage in the process by which the Regent House as governing body of the University approves legislation. The 'report' of a committee set up by the General Board cannot in itself constitute a Report to the University. Such a 'report' has no constitutional *locus* at all, although the General Board could refer to it *in* a Report to the University. In the instant case, the General Board did not make such a Report. That is my complaint. It merely published a Notice on 26 November 2009. A Notice such as that published by the General Board is not a Report to the University.
- 3. Statute A, VIII deals with the Conduct of Business. It sets out the rules for the submission of Reports to the University and the Commissary may see there what the procedural expectations are.
- 4. My submission is that a matter of such enormous importance as the future structure, control and purpose of Cambridge University Library ought to have been put to the University in a Report at an early stage, and certainly before a course of action began which required change of Statute to permit it to be carried through in accordance with the University's Statutes. That is what by custom and practice consultation of the Regent House requires.
- 5. To take it step by step, any substantial matter requiring the consent of the Regent House to a legislative proposal (Grace) must first be laid before the University in a Report to the University by publication in the *Reporter*.
- 6. Such a Report (if of the General Board) begins by convention in this manner:

Report of the General Board on the establishment of a Professorship of Demography

The General Board beg leave to report to the University as follows:

Such a Report cannot be confused with a 'report' written by a committee. It can be published only with the consent of the Council and is a quite distinct entity from any other form of 'report'.

- 7. The publication of a Report to the University automatically triggers a Discussion, to which the Council replies at its discretion, before putting the Grace if it considers that still to be appropriate. The Regent House may then call for a Non Placet and a ballot is held. That is how the University *must* be consulted under the University's constitution.
- 8. On occasion a Report is published for preliminary Discussion and without recommendations, where the proposals are likely to require time for development and further consideration, and where the matter is of sufficient importance. This was done in the case of the modification of the role of the Commissary, as noted in my earlier submissions. This is also an acceptable form of consultation and it also requires a Report to the University.
- 9. A Notice, on the other hand, does not trigger a Discussion. It therefore does not provide an opportunity for the traditional debate in a Discussion, or for the Council to respond before putting the Grace. A Notice may put a Grace without a prior Report and Discussion, but never on a matter of importance.
- 10. A Grace signalled simply by a Notice is by convention of a minor kind, principally such as create only Orders and not Ordinances. An example of a Grace-list containing such items may be found in the last issue of the *Reporter* published on 28 April at:

http://www.admin.cam.ac.uk/reporter/current/weekly/6186/section10.shtml

11. Should a Report to the University have been published at an early stage, and certainly before a new Librarian was appointed to a role which does not appear fully to conform with the Statute? I submit that it should, and that if recommendations suitable for Gracing had not yet been formulated, there was ample precedent for publishing a Report for preliminary consideration by the Regent House of the major policy proposals involved in a Discussion. That was the procedurally satisfactory thing to do.

http://www.admin.cam.ac.uk/reporter/current/weekly/6186/section7.shtml#heading2-22.

12. This was done in altering the remit of the Commissary's present office. It was also done in the case of the consultation leading up to the introduction of a part-time route to a doctoral degree. In the Discussion of 15 February 2000. Professor Dumville made his remarks with 'one auspicious and one dropping eye' in full awareness of the importance of ensuring that there is in the case of certain major proposals, a timely opportunity provided by the publication of a Report, for the Regent House to hold a Discussion ahead of the publication of a Report containing formal recommendations leading to Graces:

'Professor D. N. DUMVILLE:

May I ... say how much I welcome this Report being laid before the University for consultation and discussion in advance of legislation? I note that that was also the case with the Report on the office of Commissary, and I very much hope that these are manifestations of what would be a welcome new trend in the conduct of the University's business.

13. He commented on the need for early consultation as well as timely publication of a preliminary Report.

The question of how business of this sort is conducted. The Joint Report indicates that the Working Group was set up in February 1997 - three years ago - to deal with responses to a consultation paper (Reporter, pp. 410-13) whose genesis and authorship are not there explained. The Working Group's Report was submitted one year ago and has spent the intervening time being masticated by various organs of the Administration. As far as I can see, this is the first moment when any of this material has come into public view. Members of the University as individuals have had no input and Colleges have not been consulted - this last with possibly dire consequences. This does not represent what the Prime Minister would call 'joined-up government'. I earnestly hope that this is simply a manifestation of our administrative régime being in a phase of transition. The Reporter is an immensely useful medium of communication with the University community. It would have been simplicity itself in February 1997 to publish a Notice that the Working Group was being set up, who its Secretary was, and inviting colleagues to send in any comments on the consultation paper, which could also have been published then and there. I hope that such a model can be used in future. This is a question which will affect all those who have to

supervise and administer research students, as well as many prospective students. It should have been more widely aired. 2

14. In the case of the affair of the Library, it took Freedom of Information requests to elicit what was proposed, and a Discussion on a Topic of Concern to force the publication of the Notice of 26 November. There is still no Report to the University. That is not a procedurally satisfactory way for a matter of such importance to be handled in the University of Cambridge. Not to begin by the process laid down in the Statutes and publish a Report as a preliminary to the making of necessary changes to the existing legislation, but to go forward with a course of action which presumes that the Regent House's approval will be given (retrospectively), is and must be, I submit, procedurally unsatisfactory.



5 May 2010

² http://www.admin.cam.ac.uk/reporter/1999-2000/weekly/5802/15.html.

1

From:

Sent:

06 May 2010 09:46

To:

Subject: RE: University of Cambridge - review by the Commissary

Response

Many thanks. I have forwarded this to the Commissary.

Secretary to the Commissary University of Cambridge The Old Schools Cambridge CB2 1TN tel: fax:

From:

Sent: 05 May 2010 18:13

To:

Subject: Re: University of Cambridge - review by the Commissary

Response

Sent:

06 May 2010 14:45

To:

Subject: Re: University of Cambridge - review by the Commissary (

If you think it appropriate, since we are within the 14 days allowed by the Commissary for a Response to his Order. I wonder whether it might be possible to draw his attention to the Discussion published in today's Reporter at:

http://www.admin.cam.ac.uk/reporter/current/weekly/6187/section8.shtml - ukley

It illustrates something of the importance the Regent House attaches to timely consultation by Report and Grace and speakers make a number of points criticising the type of conduct of which I complain in the case of the Library plans. I hope it may help to clarify for him the position occupied in the University's legislative process by the publication of a Report to the University.

On 6 May 2010, at 09:46

Many thanks. I have forwarded this to the Commissary.

Secretary to the Commissary University of Cambridge

The Old Schools Cambridge CB2 1TN

Sent: 05 May 2010 18:13

Subject: Re: University of Cambridge - review by the Commissary

Response



Sent:

06 May 2010 14:47

To:

'MACKAY. JP Lord'

Subject: FW: University of Cambridge - review by the Commissary



Forwarded Please let me know if you would like me to send a hard copy of this edition of the Reporter



From:

Sent: 06 May 2010 14:45

Subject: Re: University of Cambridge - review by the Commissary



If you think it appropriate, since we are within the 14 days allowed by the Commissary for a Response to his Order, I wonder whether it might be possible to draw his attention to the Discussion published in today's Reporter at:

http://www.admin.cam.ac.uk/reporter/current/weekly/6187/section8.shtml

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On 6 May 2010, at 09:46, Jenni Dixon wrote:

Many thanks. I have forwarded this to the Commissary.



Secretary to the Commissary University of Cambridge The Old Schools Cambridge CB2 1TN fax:

Sent: 05 May 2010 18:13

Subject: Re: University of Cambridge - review by the Commissary

University of Cambridge

Decision of the Commissary
In Application of

In this application the applicant makes two submissions.

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 would 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.

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 StatuteK, 5 which appears to have implications for the proper conduct of inquiries under Statute K, 5 in general.

This application is dated 20 February, 2010. The Rules of the Commissary require that an application to the Commissary must be made within three months of the impugned decision unless in exceptional circumstances. I conclude that this application is based on the notice published in the Reporter on 26 November 2009. That notice is a copy of a report to the General Board by a Committee set up by it and contains no statement or restatement of a decision by the General Board. This seems so obvious that by an Order I issued on 30 April 2010 which I wrongly dated 2009, I drew the applicant's attention to it. The applicant has responded to that Order correcting my mistake with the date but while correctly drawing the fundamental distinction between a report of a committee set up by the General Board to it with which the notice in question deals, and a Report to the University which the notice is not and with which it does not deal, she makes no attempt to show how the notice restates any decision of the General Board. This is a fundamental omission and completely undermines the first submission which must fail.

The second submission is elaborated in II 1 in this way. 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.

In II 2.1 it is submitted that, the Vice—Chancellor is required by Statute K,5 to "inquire" and to make a "declaration" which is also described as a "decision".

On receiving the applicant's representation the Vice-Chancellor asked Professor Eilis Ferran to undertake an investigation on her behalf and advise her as to the decision she might make under the Statute The Professor who is a distinguished lawyer replied on 25 January 2010.

After narrating the representation which was the basis of the whole representation and which in substance is the same as the basis for this application she says "The Review does not contain declarations in the terms suggested by the premise of this representation is factually incorrect".

This conclusion is manifestly correct. In my view this carried the consequence that

there was nothing into which to inquire.

The Vice-Chancellor accepted this advice and wrote to the applicant stating that she found there had been no contravention of the Statutes, Ordinances or any Order, as represented by the applicant, and she so declared.

In my view if a substantial representation were made alleging misconduct by the Vice-Chancellor, it would generally be wise for the Vice-Chancellor to appoint a deputy to deal with it. Where, as here, the representation is founded on a non-existent statement in a notice in the Reporter no such action is required.

For the reasons I have given I dismiss this application.

I add that a number of important matters have been raised by the applicant on which I express no opinion. As Commissary my powers in this case are confined to dealing with the impugned actions of the Board and of the Vice-Chancellor.

Mackay of Clastfern

Mackay of Clashfern

12 May 2010