

Between:

MR P RODDIS

Claimant

-and-

SHEFFIELD HALLAM UNIVERSITY

Respondent

Claimant's Witness Statement for Preliminary Hearing

I Philip Roddis will say as follows:

1. I make this statement for the purposes of the Preliminary Hearing to be held on 17th and 18th April 2019. The statement is limited to the issue of whether I was engaged in the same or broadly similar work to my full time comparator, Mark Leader.
2. I have read the witness statements of Marie Williamson ("MW") and Patrick Wichert ("PW"), both of whom will be called as witnesses by the University. I will make references and comment on both witnesses as part of this statement.
3. As associate lecturer ("AL") I knew PW as a colleague of other people - Peter Jones, Professor Noel Williams and Professor David Waddington - with whom I'd had cordial working relations going back to the 1980's. I had no direct professional involvement with PW, far less did he manage me (or to the best of my knowledge, anyone else between 2006 and 2012). Paragraph 4 of PW's statement of not recollecting me attending meetings is a bit of a red herring. Why would he? I don't recall him attending meetings either. Why would I? Steve Harriman, module leader for the Professionalism and Communications Studies (PCS) module - financially the most important of my work as an AL – confirms [page 107 of the bundle] that I was actively involved in PCS team meetings to plan subject delivery and assessment. This is corroborated by Mark Leader (whose co-teaching on this module is my principal

reason for naming him as comparator) and by Deborah Adshead (page 136 of the bundle).

4. I began work for Sheffield Hallam University (“the University”) on 30th January 2006 as an AL at Grade 7. I resigned on 20th January 2014. My contract of employment as an AL dated 30th January 2006 is at pages [29-36] of the bundle.
5. I was also employed as an Education Adviser from September 2008 until 31st January 2012. That contract is dated as 14th September 2008 [pages 58-64], and is at pages [58-64] of the bundle. I confirm that my claims only relate to my role as an Associate Lecturer.
6. Mr Leader’s contract of employment as an Academic Lecturer, dated 1st September 2008, is at pages [50-57] of the bundle.
7. Whilst some of the responsibilities under the written contract are different between the two roles, the reality is, there was nothing significantly different in the two roles which are very similar. I would like to comment on PW’s statement at paragraph 6 where he says ALs can accept or refuse offers of work as they wish. In case of any doubt, once work has been accepted by an AL it must be delivered (e.g. over a term).
8. The stated reasons for employing ALs, given in paragraphs 6.1 to 6.4 of PW’s statement as ‘typical’, are accurate but not exhaustive. They do not explain my six consecutive years of employment as AL on PCS. I suggest another reason for the use on that module of more ALs (three) than full timers (two). The University values the ‘flexibility’ afforded by casualised academics. The financial review of the University for 2012 [page of the bundle] shows that of a total of 2107 full time equivalent academic staff, 767 were ALs. This amounts to 36% of all academic staff. I do not accept that the only reasons for employing such a significant number of ALs is for the reasons set out at 6.1 to 6.4 of PW’s statement.
9. The core duty of the AL and Academic Lecturer is teaching students, which involves research to stay abreast of our disciplines, the preparation of teaching materials,

delivering lectures, leading seminars and assessing the work produced by students, meeting individual students to further their academic development. It also includes, the supervision of student dissertations and preparing marks for Award Boards. Both Mr Leader and I would have carried out these duties and it made no difference that one of us was an Academic Lecturer and the other an AL

10. According to the Academic Work Planning Policy ("AWPP") [pages 79-80 of the bundle] the agreed weekly contractual hours for full time teaching staff (from Grade 7-10) is 37 hours and the normal academic year is 38 weeks (1406 hours excluding self managed time, [page 7 of the bundle]. Lecturers are allocated, in addition, 4 weeks 3 days for scholarship, research and professional development [page 80 of the bundle]. Therefore the annual contractual hours of a full time lecturer are set at 1406 +170. 462 hours per year are allocated as the normal maximum scheduled teaching duty (STD) hours. Obviously these hours would be reduced on a pro rata basis for part time staff.

11. Paragraph 15 of PW's statement refers to what he calls my "work plans.. at pages 48A, 64A, 66A-66B and 106A". I have no recollection of seeing these unsigned and undated documents prior to their late disclosure by the Respondent after statements had been exchanged for the aborted preliminary hearing in November 2018. PW deems the absence, in my AL contract, of one of what he calls "three key aspects of a Lecturer's role" to be fatal to my 'broadly similar work' claim. I do not, for reasons given in this statement agree with him.

12. The job description ("JD") for AL position is at pages [128-129B] of the bundle. The job description for the Academic Lecturer/Senior position is at pages [141A-141B]. The job descriptions are strikingly similar in many ways:

- The Academic Lecturer/Senior Lecturer JD says that one of the main duties is: "Learning, Teaching and Assessment". The AL JD lists one of the main duties as "Teaching and Learning", though in the bullet points under this duty it says "providing ongoing assessment and feedback to

students”. So assessment of students as part of the teaching duties applies to both posts.

- Both JDs require “team work and communication”. While the AL post says that the job holder will need to “*participate in appropriate quality assurance procedures of the faculty*” under the team work heading, the JD for the Academic Lecturer/Senior Lecturer post says the post holder will contribute to “*the development and achievement of quality standards and criteria*”. So both JDs require post holders to be responsible for quality assurance and standards.
- 'Personal Effectiveness' on the Academic Lecturer JD has two bullet points. The first cites ways to improve efficiency and quality, and motivating others. Similar can be found on the AL JD, as follows: (i) all three bullets under the 'Team Work & Communication' header (page [129A] of bundle); (ii) 5th bullet under 'Teaching and Learning' (two thirds up page 129A); and (iii) first bullet on page 129B of bundle. The second bullet under 'Personal Effectiveness' on the Academic Lecturer JD speaks of "contribution to organisational goals". This is so general a requirement as to be reflected in each and every item specified in the AL JD.

13. I have set out above my comments on the written contracts and JDs. However I also believe that it is important to set out in more detail the reality of the work that Mr Leader and I did in our respective jobs. On a day to day level we did the same or broadly similar work. Mainly we prepared, planned and delivered lectures and seminars, and set and marked assignments. Both of us supervised final year dissertations. We also attended course development meetings. So, for example, on the PCS) module I attended course development meetings at least twice a semester to participate fully in content planning, materials development & assessment design. This is cited in the testimonial provided by then module leader, Steve Harriman, at page [107] of the bundle. Mr Harriman’s testimonial refers to participation in “team meetings”, which is the same as Module development meetings.

Paragraph 3 of my contract of employment (page [30] of the bundle), envisaged that I would be required to attend meetings like Academic Lecturers. It said that other than “*required attendance at examination boards.... it is envisaged that necessary attendances at all other meetings will be part of the normal duties and responsibilities and will not merit additional payments*”.

14. Mr Leader provided leadership for the Understanding Popular Culture (UPC) module. During my employment with the University as an AL, I too led on modules. In 2007-8 and 2008-9 I led on the Professional Academic Development module, while its previous leader, Professor Dave Waddington, was committed to research. In 2006-7 I led the Comms in Groups Module to cover Sue Cooper's prolonged sick leave. In 2007-8 I led the Professional Issues in Communications & Design module to cover Prof Noel Williams' prolonged sick leave. As part of these proceedings on 5th June 2013, I emailed [page 135 of the bundle], Dr Peter Jones, Dr Brian Tweedale, Prof Dave Waddington, and Prof Noel Williams, all of whom were part of the Faculty of Arts, Computing, Engineering and Sciences (ACES). In my email I asserted that I had been a module leader at various dates during my employment as an Associate Lecturer. I invited each of them to let me know if they disputed my assertion and to copy in Marie Ward from HR. Dave Waddington responded the next day, 6th June 2013, at 21:05. Copying in other senior academics (Peter Jones, Brian Tweedale and Noel Williams) as well as Marie Ward from HR, Professor Waddington confirmed that he had no reason to dispute my assertions at page [135] of the bundle. Professor Williams emailed me on 6th June 2013 at 10:19. He copied no one in and, as with Dave Waddington, I lost access to the email when I resigned from the University. I did, however, copy Noel's email (text and message envelope) and can quote from it verbatim: "I think I could offer nothing material to support what you say, other than my belief that your statement is correct ... your assertion is fair enough: to run that module, you had to operate pretty much as if you were me (although probably rather more effectively!)" page of the bundle [page 135A of the bundle]. Even if I had not led any modules, I do not believe that this is a particularly significant difference between my work and that of Mr Leader. The University's own Academic Work Planning Policy (“AWPP”) at page [84] of the bundle states at

paragraph 4.4. that “a common but not usually significant management role is that of module leadership”.

15. I am aware that Mr Leader was also an academic tutor for some 55 students at the relevant time. The JD for AL lists as a duty “act when required, as Tutor to a group of students, providing effective, technical and pastoral care” to them. When I worked full time for the University in the 1990s I was a year tutor. However working on a zero hours contract meant fluctuating hours and it is difficult to see how that could have allowed me to provide pastoral care for students. Stressed students need ease of access to year tutors in a quiet office conducive to confidentiality. ALs, with no predictability of presence and no quiet office (we hot-desked with 20 or more others), could offer neither. But the role is less than 12% of Mr Leader’s work total - leaving close to 90% of his work the same as mine: teaching degree or masters students. I would add that I do not accept what MW has to say at paragraph 23 of her statement. I certainly do not accept that I lacked the experience in pastoral care for students. I was a year tutor providing full pastoral care to students when I worked full time. As year tutor I acted as trouble shooter, proactively engaging students with poor performance or low attendance. I was also reactive with students suffering emotional distress from factors as diverse as bereavement, racial abuse and in one case gambling addiction. I was good at the job, which is one reason I was successful in applying for the post of HND course leader in 2000. I’ve said elsewhere that some students will be less likely to seek pastoral guidance from a casualised lecturer with no quiet office, whose whereabouts they were unlikely to know. Despite these deterrent factors, however, students did seek me out and confide in me, did ask my advice and opinions on course and non course related concerns. I like to think that says something about my approachability, but the truth is that many ALs can say the same. Anxious students do not confide in those they deem to occupy the appropriate place on the university’s organisational chart! They go to those they deem most capable of empathy and sympathy. More specifically, as AL I was first port of call for a number of students with issues very like those brought to me in my days as a year tutor, and those brought to me in my at times overlapping role as Education Advisor. Which is to say, personal struggles and/or

course related difficulties. How I responded varied but, where I deemed referral to other support services - from study skills through education guidance to counselling - was called for, my knowledge - hence ability to help - exceeded that of most full time lecturers. The point is not my specific abilities. It is that they show just one of many ways in which putative differentiations of the 'student facing' kind, between categories of lecturer, suggest the narrow purview of those who mistake organisational charts for the realities of the tutor-student relationship. If MW is correct then, given the widespread use of ALs, the University appear to have employed a lot of staff without any pastoral responsibilities.

16. In terms of research, the AL JD does not include a specific duty to carry out research. However I do not believe that Mr Leader carried out any more research than I did or that he carried out a different level or type of research. Like other lecturers, Mr Leader and I undertook subject based research for the lectures we prepared and taught. I do not believe that Mr Leader undertook any academic and scholarly research for publication purposes. Neither did I. Paragraph 17 of PW's statement makes claims, re the necessity of 'research-led teaching', with which I concur. What it fails to show however is that this is something Lecturers do but ALs do not. In the period 2006-12 my most important teaching was of communication, interpersonal and professional skills. With a first degree in communication, and masters in computing, I was unusually well placed. This was augmented by industrial and commercial experience - unlike many academics, my professional career is not confined to academia. Nevertheless, I had to keep abreast on pressing questions in my subject area, most of them pedagogic. I engaged diligently by reading widely, by conference attendances (paid and unpaid) and by consultations with those full time colleagues - like Professor Noel Williams and Education Advisor Jacklyn Cawkwell - who shared my interest. I also contributed to the body of knowledge in this area, its most pressing question how to persuade students of computing, with little life experience, that the skills I taught were as critical to career success as the specific (and more finite) skills learned in their database, programming and systems modules. Related to this is the question of whether such generic 'life' skills are best imparted by a 'parachute' model, or embedded in core delivery. Though a simple question, it

has never been adequately resolved. My contributions include at least one conference paper, several presentations and persistent inputs and debates within the PCS team where I saw its pedagogic assumptions as outdated. (None more so than in the teaching of writing skills, where I argued consistently, though with limited success, that we needed to re-engage with the fast changing literature in a pedagogic hotspot.) I did not simply come to work, deliver someone else's materials, and go home. That never applied in my teaching. I had to make active and frequent effort to maintain and update my skills, knowledges and competencies. The same goes for those ALs with whom I worked or engaged most closely. The assumptions underpinning PW's are unfair and insulting, not just to me but for all casualised academics.

17. I believe that paragraphs 26-43 of PW's statement overstate the difference between the duties of a full time lecturer and those of an AL. Throughout the AWPP there is the emphasis on flexibility as no two lecturers' roles are the same. PW wrongly implies that they are the same and all the duties he has identified are carried out by all Academic Lecturers. He implies that they are clones and all go along to open days, induction, recruitment activities, ceremonial duties, preparing for trips, interviewing potential candidates, attending career fairs, attending UCAS fairs, generating income, developing and understanding marketing needs, contributing to business enhancement, market research, working in the wider community, working with schools, working with industry, student placements, dealing with curriculum development, dealing with assessment deadlines. These duties are distributed amongst the Academic Lecturers and are carried out by some of them but not all. Some of the duties may have been done by ALs, but an additional payment would be required and the University would be reluctant to ask ALs for this reason. PW's description of the duties is far too general to suggest that it is accurate. He rarely provides dates of what he is referring to and doesn't say whether he is referring to the relevant period of 2006-2012. In paragraph 39 he concedes that ALs did lead modules but adds, "I disagreed with the practice and stopped it." PW became Principal Lecturer (PL) in November 2012. No one below PL could unilaterally "stop" such a practice. If he did put a stop to ALs leading modules, then the earliest would have been November 2012.

18. PW conflates a superset of duties with those of any given lecturer. In my time as permanent lecturer then senior lecturer, prior to leaving the University in 2001, I did no research above and beyond keeping up in fields where I taught. I did lead one course, HND in Computing, but this was a role I applied for in the face of competition. A moment's reflection shows course leadership as necessarily the task/privilege of a minority. I did support students on industrial placements but this too was the task/privilege of a minority, and I had fewer teaching duties as a result. I never attended student recruitment activities, nor was I involved in admissions. Few of my full time peers were. Again, a minority took on these duties. Ironically, and contrary to PW's claim in paragraph 28, I was highly involved as an AL in induction week for six consecutive years. Equally risible is the suggestion (paragraph 29) that most, far less all, lecturers "engaged in generating income and understanding of marketing needs". They didn't and I certainly didn't when I was a full time lecturer. I do not believe there was such an enormous a shift in working practices between 2001 and 2006.
19. Other claims - such as 'ceremonial duties (paragraph 27), and the claims, starting with 'improving NSS', in paragraph 36 - are also misleading, and for the same reason. All were the specialist preserve of a minority, and either compensated by fewer teaching hours, else deemed too negligible for such. At paragraph 36 PW says that "lecturers have management responsibilities, in that they are required to motivate and encourage colleagues". This is such a generalisation that it is almost meaningless and hard to challenge, but even harder to substantiate. PW does not say what mechanisms existed for ensuring lecturers met their motivating duties and how the University evaluated such a responsibility.
20. In Paragraph 41 PW draws a contrast between ALs who "come and go as they please", and Lecturers who (PW implies) do not. In 2006-12 lecturers did not clock in and out, nor was their attendance monitored and I doubt it is now. They too would *come and go as they pleased*. Both, of course, had to be on campus for time specific jobs like teaching and attending meetings. In fact, since few of that superset of

all conceivable academic activities listed by PW are time specific, to the extent there was significant difference, full time lecturers would be more free than ALs in choosing how, when and where to acquit their non teaching duties. Indeed, in that 2006-12 period one course leader of a journalism and/or media course lived in Brighton, and only attended the University two days a week. She was full time and permanent.

21. At paragraph 44 to 48 of PW's statement, he comments on Scheduled Teaching Duties (STD) and Teaching Related Duties (TRD). It is correct that for lecturers the ratio between STD and TRD is 1:1. It is also correct that ALs (paragraph 48 of PW statement) are paid at a rate of 2.5 hours for each hour of teaching.

22. In paragraph 44 PW correctly, does not include subject related research in the list he provides as TRD. There is a definition in the AWPP which states TRD is work "such as preparation, marking and attendance at boards" [page 76 of the bundle]. It does not state subject related research and staff development. Neither ALs nor lecturers would use TRD for subject related research, because there simply isn't time in the allocated 60 mins. TRD would include:

- a. Course design - whatever PW (paragraph 47 of his statement) says, to teach effectively an AL needs to design delivery and prepare his/her seminar.
- b. Preparation for each delivery - lesson plan and production of materials - handouts, visual aids etc
- c. Time for setting up the room before students arrive, turn on technology etc (10 mins per session). (For a 2 hour session this would, of course, only be done once)
- d. Time to file work after teaching, close down technology etc and engage with students as they are leaving (10 mins per session) (ditto)

- e. Student support. Communicating with students by email or in person sometimes before and sometimes after the seminars
- f. Diary management and correspondence
- g. Marking of work, time variable depending on group size, subject matter
- h. Liaising with other staff, record keeping, dealing with registration etc
- i. Compliance with institutional procedures and consideration of how teaching is delivered in line with the University's wider teaching and assessment strategies.
- j. Working alongside the University's systems and ensuring students are aware of assessment deadlines.
- k. Attendance at Exam Board Meetings

Academic lecturers will use research and scholarly activity time, not the allocated one hour TRD. Similarly AL will use additional time, such as the extra 30 minutes per hour of teaching allocated to them which is included in the 2.5 hours pay for each hour of teaching.

23. The University operates a conversion procedure (at pages [155 to 176] of the bundle). This policy allows for the conversion of Associate Lecturers to a full or fractional contract if they satisfy the following criteria:
- evidence of significant and consistent working over a three year period (minimum of 100 hours per year)
 - sustainability of role/post projected forward
 - adequate skills and ability (assessed at interview)
 - individual aspiration to convert to a SHU Academic Contract

- willingness to be work planned according to the needs of the subject area of faculty as appropriate

I applied for conversion under the policy sometime in either 2009/10 or 2010/11. I was working many hours as an Associate Lecturer, and had been for several years, so was optimistic. The rejection of my application was communicated by email from HR, and deeply disappointing to me. Unfortunately I do not recall the detailed and quite technical reasons given for the rejection. I do not have the email in question. The policy reinforces the fact that there is very little difference between the work of an Associate Lecturer and Academic Lecturer. Paragraph 3.1 of the process (page [155] of the bundle) sets out the principles which apply to the conversion process. There is nothing within those principles which suggests that there are any differences between the two jobs. The process envisages conversion where an Associated Lecturer has worked more than 100 hours per annum over 3 consecutive academic years and there is a business need for conversion. The application form itself also shows that the University envisaged that Associate Lecturers carried out the same type of pure non-teaching duties as Academic Lecturer. So, section 5 of the form (page [166] of the bundle) asks applicants to provide details of the duties, in addition to teaching, such as being a module leader and/or year tutor, which they have carried out.

24. In terms of my academic record, qualifications, skills and experience, I believe there is very little difference between Mr Leader and I. He has a post-graduate teaching qualification. I have a Masters' degree. Mr Leader started lecturing in 1996. I started in 1986.
25. I have no recollection of the documents in pages 48A, 64A and 66A-66B of the Bundle. They were disclosed late as part of these proceeding and after statements had been exchanged for the aborted hearing in November 2018. As I recall, work planning involved lecturer and line manager, and resulted in documents signed off by both. These documents bear no signatures.

26. For the reasons set out above, I strongly believe that I do the same or broadly similar work to Mr Leader.

This statement is true to the best of my belief and knowledge.

Signed:-.....Dated:-.....