



DEPARTMENT OF EDUCATION AND SCIENCE
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 FROM THE SECRETARY OF STATE

CCND
 nbpm
 DMS
 29/5

The Rt Hon Lord Hailsham of
 St Marylebone PC CH FRS DL
 Lord Chancellor
 House of Lords
 LONDON SW1A 0PW

29 May 1984

Dear Quentin,

TENURE IN THE UNIVERSITIES

Thank you for your letter of 11 May about my proposals for the future of academic tenure.

In practice I do not think there is anything between us on this issue. Tenure in the strongest form in which it is found in the universities is incompatible with their high degree of dependence on public funds. Retrospective legislation is however objectionable in principle and likely to receive significant opposition in practice. Legislation which is not retrospective will have relatively little effect -

- (a) on the ability and willingness of the universities to achieve any further contraction that may be necessary as the size of the relevant age group falls over the next decade or so. The paper attached to my minute to the Prime Minister of 12 March made clear that any further contraction of the universities would require financial provision for restructuring;
- (b) on the willingness of universities at anytime to contemplate the redundancy of academic staff in response to financial pressures, regardless of whether or not those staff have contractually firm tenure. American experience, with their generally weaker form of tenure, supports the view that we should not expect legislation to remove tenure significantly to increase the willingness of institutions to contemplate the dismissal of academic staff.

Tenure has however become an issue to which the Government's attitude has to be resolved. I do not expect my proposals to solve any managerial problems that may be posed by contraction in the short term, nor would I wish in the long term to give academics less security of employment than would generally be available from a good employer. Indeed, I am particularly concerned to ensure that my proposals do not, and are not seen to, pose any threat to academic freedom. I see my proposals as only a contribution to improving the managerial effectiveness of the universities. But it is important to remove the present uncertainties about the Government's attitude to tenure, and in particular about the possibility of retrospective action. It is also important to resolve for the future the significant uncertainties about tenure and the legal powers of institutions that at present surround the terms of employment of academics at many universities. We shall be in a better position to judge where we stand on all this when I have consulted the Vice-Chancellors and others on the basis of my published letter of 9 May to Lord Flowers as ~~Chairman~~ *attached* of the CVCP. I am enclosing a copy of this for you and colleagues who may not have seen it.

I am sending copies of this letter to the recipients of yours.

Yours truly,
Kear

Education P4
Expenditure

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HOUSE OF LORDS,
SW1A 0PW

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My Dear Keith:

Academic Tenure in the Universities

I have studied with care your suggestions for reform in this area but regret that at this stage I must record a ~~reservation~~ *reservation. qualification*

On 14 March I took part in the Higher and Further Education Debate introduced by Lord Annan. You are probably already aware of his observations on that occasion on tenure but in case you should not be, I reproduce them here (Hansard col. 734) :

"It is now two years since the Secretary of State asked the universities to consider academic tenure. Except at Cambridge, a young lecturer will be appointed at about the age of 25. The decision to grant him or her an unshakeable contract of employment until he is 65 years old will be taken two and a half years later. That has for long been a scandal. There is a rumour - and it is only a rumour - that the universities might now put forward the daring scheme of extending the probationary period from three to five years. I would not expect that to satisfy the Secretary of State, who believes that redundancy should be a fit cause for dismissal at any time. I think that he is wrong."

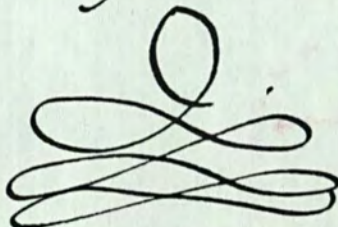
The Right Honourable
Sir Keith Joseph, Bart, MP,
Secretary of State for Education
and Science,

Elizabeth House,
York Road,
LONDON,
SE1 7PH

Whilst I too accept that the removal of tenure in those universities where it does apply is desirable, the legislation you propose might achieve little by way of practical benefit. It would require universities to accept a power of dismissal, but it could not require them to exercise it. It is likely therefore that many will continue in their present way until financial pressures persuade them otherwise. And as - and this I welcome - you have ruled out retrospective legislation, it will be some time before any benefit at all might become apparent. So though I would not oppose the principle I am doubtful as to the efficacy of the solution proposed.

I am sending copies of this letter to the Prime Minister, other members of H Committee, to Sir Robert Armstrong and to First Parliamentary Counsel.

Yrs.

A handwritten signature consisting of a large, stylized capital letter 'L' with several loops and flourishes extending from its base.

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114 Nov 1964

