

Appendix 5: Internal exchanges within Christ Church.

1. In this Appendix I set out a history of the exchanges in which the Dean and others were involved in relation to his remuneration. It does not purport to be entirely complete, but the nature of the charges requires me to examine parts of the history in some detail.
2. The College appointed a new Development Director in 2017. It was unable to find a satisfactory candidate for the salary being paid to the outgoing Director, and at a meeting on 17 May 2017 the Salaries Board agreed to a higher salary. The Dean informally introduced a discussion on 17 May 2017 about the relative remunerations of the Senior College Officers, and then retired from the meeting because of his conflict of interest. The other members of the Board, including the external members, took the view that there should be no such internal linkage between the pay of the Development Director and the remuneration of others.
3. On 20 July 2017, the Dean spoke to ██████████ about the pay of the Senior College Officers.¹ He made this indirect approach to the Salaries Board through ██████████ because, as the Dean put it in his evidence to the Tribunal, he thought that ██████████ “would immediately brush [him] off”. After they had spoken, the Dean sent ██████████ an email:

“On salaries, I think that the three that need adjustment are Treasurer, Steward and Dean. The Steward will need to move up a bit; the Treasurer to more than the Head of Development; and whatever you decide for the Dean. Roger ██████████ ██████████ had some interesting thoughts on this, and it might be worth touching base with him. I think that his view was that we were a bit off the pace for the biggest colleges. That is true, I think. But I am conflicted here,² as I say, so over to you”.

██████████ responded that he would speak to ██████████, the Secretary of the Salaries Board. The Dean sent another email in reply, without referring to his own remuneration, but writing, “On the salaries, I think that [we’ll] need to lift Treasurer to at least £99k, and the Steward to the mid £80k range – maybe even late £80k”.
4. Thus, the Dean raised with ██████████ both internal linkage questions (how remuneration compared with those of other officers of the College) and external linkage questions (how it compared with pay at other Oxford Colleges). ██████████ spoke with ██████████ about the

¹ In the summer of 2017 the Dean underwent an appraisal, which he himself arranged and which was carried out by a Mr Andrew Jackson, with whom the Dean had had previous dealings and who undertook the task without charging. It was suggested to the Dean by the Prosecutor that this timing was engineered by the Dean to coincide with his request that his remuneration be reviewed. No evidence supports this conjecture, and I reject it.

² In his evidence to the Tribunal, the Dean explained that by “here” he intended to refer to the remuneration of the three officers, the Treasurer, the Steward and himself, and not only to his own.

Dean's salary (and also the Treasurer's salary³), and ██████ understood him to be conveying a request by the Dean that it be reviewed and increased. However, ██████ apparently presented it as a request based on internal linkage. Either he did not mention external linkage at all, or placed so little emphasis on this point that ██████ did not register it.⁴ ██████ therefore explained to ██████ that the Board had not accepted that the salaries of the Senior College Officers should be linked to each other, and that in any case such a comparison would have to take account of the residential accommodation provided to the Dean at the Deanery: the other Senior College Officers were not given accommodation, but were paid a housing allowance. ██████ responded to ██████ inquiry in his capacity of Secretary of the Salaries Board and without involving other Board members: he thought that he was entitled to do so because the request was conveyed to him on the basis that an increase was justified by considerations of internal linkage with the remuneration of the Development Director, and the Salaries Board had already decided that that should not influence what was paid to other Senior College Officers. However, ██████ understood (apparently wrongly) that ██████ intended to take the question of internal linkage back to the Board, and so reported to the Dean.

5. On 22 September 2017 Mr James Lawrie, the Treasurer, sent ██████ an email, which he marked "Confidential Salaries", saying that he would like to discuss "a couple of anomalies". His first point was about the Dean's remuneration: he referred to a table⁵ of what Oxford Heads of House were paid in 2015/2016 and observed that the mean salary for "non PPH HoHs" (non-Permanent Private Halls' Heads of House) was £97,000, and that "A number of what some would deem to represent our peers appear to be paying quite a bit more than us". The second "anomaly" concerned his own pay: that the new Development Officer was being paid more than he was, which, he said, "seems slightly out of kilter since he reports to me on pay and rations". ██████ decided to refer both questions, one of external linkage in the case of the Dean's salary and one of internal linkage in the case of the Treasurer's remuneration, to the next meeting of the Salaries Board.
6. On 26 October 2017, before a meeting of the Salaries Board on 1 November 2017, ██████ wrote a short paper entitled "Stipends for Senior College Officers". It referred to the Dean "informally" raising questions about his salary and that of the Treasurer "in the context of the new Development Director's salary"; set out the current salaries of the three Officers; and summarised ██████ email. ██████ concluded with four observations by way of "Notes": that in Trinity Term 2017, in the context of approving a salary range for the prospective Development Director, the Board had held an informal discussion about internal linkage; that the Treasurer had been in post since January 2006, and the Board has reviewed his salary and recommended an increase in Trinity Term 2016; that the Dean had

³ According to the evidence of ██████ to the Tribunal, ██████ did not refer to the Steward's remuneration.

⁴ When he gave evidence to the Tribunal, ██████ did not have a clear recollection as to whether or not he mentioned external linkage to ██████

⁵ ██████ was referring to an EBC, or Estate Bursars' Conference, table. My understanding is that such tables are produced annually within the University, and set out what the different colleges pay officers in broadly comparable positions, such as Heads of House, Estate Bursars, Domestic Bursars and Chaplains.

been in post since October 2014; and assuming the rent for the “Fell Tower flat” to be about £11,000 pa,⁶ the Dean’s remuneration would be 10th in the table of remuneration for Oxford Heads of Houses.

7. Before the Tribunal, the Dean criticised the paper on the grounds that it was designed to dissuade the Salaries Board from increasing his remuneration. I do not consider that criticism justified. The Dean made four points in support of it:
 - First, he said that the paper did not refer to his concern about what became known as the “gender pay gap issue”, that is to say a concern that ██████████ the Steward, might be being underpaid in relation to men doing comparable work. Nothing suggests that the Dean had raised this question before 2018.⁷
 - Secondly, the Dean pointed out that the note did not mention that he had questioned whether his remuneration and those of the Treasurer and the Steward should be reviewed because external linkage comparisons justified an increase, although he had raised this point with ██████████. However, as I have concluded, ██████████ did not convey it to ██████████.
 - Thirdly, ██████████ note said that Mr Lawrie had made his argument by reference to the comparative figures of other colleges for 2014/15, whereas in fact, in his email of 22 September 2016, he had used figures from the 2015/16 survey. Using the 2015/16 figures, the Dean’s salary compared less favourably with those of other Heads of Houses than in the earlier figures, being twenty-eighth, rather than twenty-fifth, in the league of 37 colleges. Apparently, according to the evidence before the Tribunal, Mr Lawrie later provided ██████████ with the earlier figures rather than the more recent 2015/16 figures. This was unfortunate, but I decline to attribute it to any manipulative intention on the part of ██████████ (or anyone else).
 - Fourthly, the Dean took issue with ██████████ view that the Board should have regard to rent received by the Dean from the Fell Tower accommodation at the Deanery, and this became the subject of later exchanges. There is room for debate about this, but ██████████ note presented the point fairly, and there is no reason to think that it did not represent his genuine views.

8. At the meeting on 1 November 2017, the Board declined to review the salaries of the Treasurer and the Dean. On the same day, ██████████ sent a short email to the Dean reporting that the Board had had a long and very careful discussion and took the view that no action should be taken on either his salary or Mr Lawrie’s. He explained, with regard to the Dean’s salary, that the Board “noted that it [was] significantly higher than the Development Director’s, and thought that there was no other reason to review it at this stage”. The Dean responded the next day, “Appreciated and understood”.

⁶ The “Fell Tower flat” comprises rooms on the top floor of the Deanery, which the Dean, like his predecessor, rents to graduate students. ██████████ said that the assessment of £11,000 was in line with Christ Church’s charge for a 40-week residence in St Aldates or the Liddell Building. The Dean explained in his evidence to the Tribunal that in fact rent is not always received, accommodation sometimes being provided free because of personal circumstances, but there is no evidence whether ██████████ or anyone on the Salaries Board other than the Dean, knew this.

⁷ See para. 23 below.

9. The explanation of the decision given in the email adopted precisely the language of the minutes of the meeting, which similarly did not set out further details of the reasons for the decision. [REDACTED] sent the minutes to the other members of the Salaries Board, but, by oversight, did not send it to the Dean.⁸

10. The evidence before the Tribunal expanded on the brief minute of the discussion about the Dean's salary. The Board considered that it was too soon after the appointment of the Dean to conduct a review of his salary. [REDACTED] an external member of the Salaries Board, explained to the Tribunal that it was thought that the Dean should have what he referred to as a "bedding-in period". The Dean had been in office for three years, but [REDACTED] view was that a review should be four, rather than three, years, after appointment. It is not clear whether others on the Board agreed about that, but at all events the Board decided that the request for a review was premature.⁹ As a result, the Board did not consider how the Dean's salary compared in terms of external linkage, which, under the Salaries Board's policy approved by the Governing Body in 2011, would have been considered on a review.

11. Before I pursue the history of the Dean's request for a review of his remuneration, I shall refer, as sparingly as I properly can, to examples of the emails passing between [REDACTED] and other members of the Governing Body because they are relevant to one of the charges.¹⁰

12. First, in October 2017 there was discussion about drawing up a "job description" for the Censors and about the appointment of a new Academic Registrar after [REDACTED] had resigned with effect from 31 December 2017. The issues in debate are not important for present purposes: I am not in a position to assess them, and it would be beside the point for me to do so. [REDACTED] forwarded an email from the Dean to other members of the Governing Body who had in the past served as Censors.¹¹ An exchange of emails ensued, which showed little or no respect for, or trust and confidence in, the Dean. For example, [REDACTED] described a comment of the Dean about a draft job description for the Censors as

⁸ The Dean suggested before the Tribunal that [REDACTED] omitted to send them to him deliberately because the minute of the decision about the Treasurer's salary referred to the applicable EBC table and [REDACTED] did not want the Dean to learn of these tables. I reject the allegation: [REDACTED] was not to know that the Dean was unaware of the EBC tables, and in any case there is no sufficient evidential basis for the Dean's allegation.

⁹ It was not conveyed to the Dean in [REDACTED] email or otherwise that the Board might conduct a review later, perhaps in a year's time. In a letter of 20 February 2018, to which I refer at para. 47 below, [REDACTED] told the Dean that ordinarily the Board would not conduct a review within four years of an appointment. It is tempting, but pointless, to speculate how differently matters might have developed if this information had been conveyed in November 2017.

¹⁰ I have disregarded the emails that I describe in this and the following paragraphs in deciding most of the charges, but they bear upon my consideration of the first charge.

¹¹ Those members of the Governing Body who had served as Censors (or most of them) formed a group that was sometimes referred to as the "Committee of ex-Censors", but they had no formal standing as a committee in the governance of Christ Church, except that, under By-Law 33, the Senior ex-Censor nominates the Censors for election by the Governing Body on the advice of the ex-Censors (and following consultation with Tutors and College Officers).

“frankly pathetic”. ██████ expressed gratitude to ██████ for “managing to find the time to deal with this rubbish”. ██████ expressed agreement with that comment, and added with regard to the Academic Committee that the Dean “ha[d] to work with the academic side, not against it (so no more sniping about the censorship ...)”. ██████ and ██████ also had a private exchange of emails, in which ██████ wrote that “Deep down the Dean agrees [that the urgent matter was to fill the post of Academic Registrar] but he is so stupid, so spiteful towards tutors and ex-C[ensor]s, and so unable to resist getting distracted in sideswipes, that he just can’t allow what’s really important to happen. And I’m coming to fear he’s unreformable in that regard”. ██████ replied that he thought that ██████ had acted correctly, but added that he agreed that working relationships should be maintained, “although I am coming to think that he scarcely deserves it”.

13. ██████ continued to correspond with ██████ in a similar tone in November 2017. For example, in an email of 8 November 2017, ██████ wrote of the Dean, “Nasty and stupid. He’s working against us not for us ... He’s got to go”. ██████ told the Tribunal that this reflected exasperation that he was feeling around this time, but the hostility that it reflects was not transient.¹² ██████ was replying to an email of ██████ in which he had written that he “fear[ed it [was] hopeless” to expect the Dean to appreciate the differences between two draft press releases that Christ Church might issue. While ██████ email does not display the same hostility as ██████ it evidences that he already had little or no confidence in the Dean.

14. Disrespectful and hostile emails of this kind were not confined to the ex-Censors: in emails to ██████ on 15 November 2017, ██████ referred to the Dean as “such a manipulative little turd” and “the little Hitler”, and wrote “We are doomed with this wretched man in place”. In an email of 11 January 2018, he described the Dean as “incorrigible, and thick, and a narcissist”. On 27 January 2018, he wrote that the Dean lacked integrity, and that the ex-Censors should “get rid of him”.

15. Returning to the Dean’s request for a review of his remuneration, in mid-December 2017¹³ the Dean sent ██████ a letter, which is the first of his communications referred to in the charges. It was headed “Confidential”, and the Dean introduced it as “a brief note to follow-up ██████ note of 1st November, and also to address a couple of other salary-related matters”. The Dean did not refer to the remuneration of the Treasurer or the Steward in this letter. He first raised a concern about the pay arrangements for non-academic (or non-teaching) staff, which is not directly relevant for present purposes. It suffices to say that ██████ considered that the Dean was criticising him, but I do not so

¹² For example, on 9 January 2018 ██████ again wrote to ██████ “Life would be so much easier if [the Dean] were to go”.

¹³ The letter has been read as dated 17 December 2017, and it is so referred to in the charges. The date is in manuscript and not at all clear, and it appears from the email from ██████ to ██████, to which I refer at para. 18 below, that the letter had been received by ██████ by 15 December 2017. I conclude that it was probably written on 12 December 2017, despite the evidence of the Dean to the Tribunal. In a briefing paper for the solicitors, ██████ dated 13 February 2018, the Dean apparently indicated that he sent it on 12 December 2017, and I consider it likely that he was right about that. However, I do not see the date as important to what I have to decide.