

Guidance for Line Managers

University Operational continuity during UCU Strike Action and Action Short of a Strike (ASOS) – MAY 2016

The University has been formally notified that the Universities and College Union (UCU) intends to commence industrial action in relation to a trade dispute over the 2016 pay claim and has called on its members to take action commencing with a two-day strike and continuous action short of a strike (see * below for details)

Strike action

The UCU has given notice for industrial action in the form of a two-day strike on the following days:

- Wednesday, 25 May 2016
- Thursday, 26 May 2016

Whilst recognising the rights of individual members of staff to take industrial action, it is the University's intention to endeavour to maintain normal operations during industrial action in order to safeguard the interests of our students and also of our staff and other stakeholders.

The University will manage this situation in a spirit of collegiality by respecting the integrity and professionalism of all our staff. We will determine if a member of staff has engaged in industrial action by asking them to inform their Line Manager/Head of School that they have taken such action.

If Line Managers/Heads of School are themselves taking industrial action then they should inform their senior manager/Dean at the earliest opportunity.

In support of this approach, Line Managers/Heads of School are encouraged to talk with colleagues in advance of 25 May 2016 or further strike days to determine whether they will be taking Strike Action and to plan accordingly with their teams to minimise disruption to students and others. Line Managers/Heads of School should note, however, that staff are not required (under law) to inform the University in advance of their intention to take such action, but they are required to inform us after the event.

The University will expect all members of staff who do not indicate to their line manager that they have taken industrial action to discharge all their normal responsibilities as employees. In the event that lectures, seminars or exams need to be cancelled, then every effort should be made by the School to provide early communication to affected students including details of how the impact of any cancellation will be mitigated, for example, by seeking to reorganise and reschedule cancelled activities.

Deductions from pay

The University is entitled to withhold pay for staff who take strike action. A deduction of pay will be made for each day lost due to strike action, with the amount equating to 1/260th of annual salary.

Managers and staff will be informed when the deductions will be made. Please note that although the pay to be withheld for participation in the strike action may relate to one or more particular month's payroll run, it may not be possible to administer adjustments to pay by the payroll cut-off point for that month and therefore the proportion of pay withheld may fall into the subsequent month.

Impact of industrial action on USS contributions/benefits

If a member of staff is a member of a pension scheme, UCU can advise them on the implications for their pension cover if they take part in the industrial action.

Industrial action automatically suspends a member of staff's employment contract, impacting on the accrual of pension and other benefits including death and incapacity cover.

On this occasion, the University is willing to maintain USS pension contributions in full (i.e. 100% of salary) during each period of strike action where 100% of salary is withheld. It is important to note that this option is only available under the USS scheme rules if member contributions are also maintained at 100% of the member's salary. The USS rules state that the university's employer contributions have to be at the same level of the employee's contributions.

We will ask employees to complete the necessary pro-forma (UCU16) in advance of each strike day/s if they wish to maintain their USS service in this way and pay their full employee contributions as normal for each day of strike action. This form should be returned to Line Managers/Heads of School who should record the information on the spreadsheet before sending the forms without delay to HR Services.

For a member of staff who does not advise in advance that they wish to maintain their own employee contributions in full (ie. at 100%), or does not notify the University in advance of the commencement of their participation in the strike action to this effect, USS membership for the period of industrial action when 100% of pay is being withheld is affected as follows:

- Employer/Employee USS contributions will not be made in respect of the salary withheld;
- Pension benefits will not accrue during each day of strike action and death in service and ill health protection is not provided.

Where a member of staff takes industrial action and does not wish to maintain membership of USS for the period of the action, the University will pay a special contribution to USS to maintain death in service cover and ill health protection.

Notification of staff taking strike action

Whilst we expect many staff will complete the UCU16 form to request continuation of their USS contributions, we will need to ensure we capture the names of all staff who take strike action. To enable this, line managers will be required to provide the names of those who have indicated that they have taken strike action following each of the above dates by completing the attached spreadsheet and returning to Karen Heaton Director of Human Resources via their local Human Resources Partner. In respect of the strike days on 25/26 May, this should be submitted no later than 3 June 2016. Further communications will be issued in respect of any other strike days should they occur.

Action short of a strike

The UCU has also given notice for industrial action in the form of Action Short of a Strike (ASOS). The UCU have confirmed that;

"The ASOS will be continuous and will also start from 25 May, in the form of both:

- *working to contract; and*

- *not working in excess of the maximum number of hours stipulated in the affected employee's contract of employment, or, where no maximum number of hours is stipulated, 37 hours per week (or such lesser number of hours as the case may be)."*

Contracts of employment for Academic, Academic-related, Research and Teaching staff at the University of Manchester stipulate that staff are *"required to undertake such hours as necessary for the proper discharge of their duties"*. Provided that the ASOS as described above does not impact upon the *"proper discharge of their duties"* then this should not result in partial performance of duties and no deductions of pay will be made for ASOS on the above basis.

However, this is without prejudice to the University's right to withhold full pay in the future for partial performance, should it be determined that there is an impact upon the proper discharge of duties and/or the basis of any ASOS is changed, then the University reserves the right to review the basis for making any deductions in respect of ASOS and will write to all staff to confirm the basis for any future calculations should these be changed.

Advice for Heads of School

The immediate impact of the Action is likely to be on staff attendance at formal taught examinations and PhD vivas. If the situation becomes unworkable then the University will invoke the Procedures for Protecting the Interests of Students in the Event of Strike Action and/or Action Short of a Strike which is attached for your reference.

Taught Examination Boards

The University will establish a University Examinations Board to oversee decisions on award; classification and progression in accord with the procedure agreed by Senate (see attached procedure).

Faculties will establish Faculty **Examination Boards** with overall authority and responsibility for all assessment and examination processes within the Schools assigned to the Faculty, to oversee decisions for the examination of research students; and any progression and degree classifications decisions for students on taught programmes.

University communications will be sent to assure all students that progression, award and classification decisions will be made at the usual times and to assure staff and other stakeholders that the integrity of the examination process will be maintained.

Each Head of School is asked to:

- Ensure that progression, award and classification recommendations for all students within their School are submitted to the relevant Faculty Examination Board in time for July 2016 graduations.
- Ensure there is a nominated academic member of staff available to deal with queries arising from formal Examination papers, where the unit lead is taking strike action, on the day the examination takes place.

The assessment process, including marking, feedback and attendance at Examination Boards should not be affected by the ASOS. However, External Examiners who are UCU members have been asked to resign, with reasonable notice and may not attend Examination Boards. In such cases, and wherever possible, Heads of Schools should ensure that the Examination Board fulfils its responsibilities in accordance with the University's guidance on the operation of Examination Boards (<http://documents.manchester.ac.uk/display.aspx?DocID=652>). If you feel that a particular situation becomes unworkable, or if you have any other queries on the conduct of summative taught assessment, then you should contact one of the following colleagues for further guidance:

Humanities – Fiona Smyth
EPS – Danielle George
MHS – Gillian Wallis/ Phil Padfield
FLS – Liz Sheffield

PhD vivas (or equivalent)

Where possible, vivas should continue as planned but the Head of School is responsible for deciding if a viva takes place. If the viva progresses, the Head of School is responsible for replacing examiners who have declared they are involved in action. If however, an examiner fails to turn up for the viva, or issues arise with making alternative arrangements, the Head of School is responsible for ensuring that the appropriate processes are in place to reschedule the viva.

If required, each Faculty PGR Committee will be empowered, under the auspices of the MDC Committee, to ensure that an appropriate examination continues. If a particular situation becomes unworkable, or if you have any other queries on the conduct of a viva, then you should contact the Faculty Associate Dean for Postgraduate Research for further guidance:

Humanities – Maja Zehfuss
EPS – Ann Webb
MHS – Melissa Westwood
FLS – Alan Whitmarsh

Further guidance is being issued to Heads of School including text for use in local communications with students.

If you have any questions concerning HR related matters, please do not hesitate to contact your HR Partner or myself.

Karen Heaton
Director of Human Resources

Guidance for line managers

University operational continuity during continuing strike action

Operational matters

I would re-iterate that whilst recognising the rights of individual members of staff to take strike action, it is the University's intention to endeavour to maintain normal operations on all strike days in order to safeguard the interests of students and also of staff and other stakeholders. In seeking to manage this potentially difficult situation in a spirit of collegiality, the University will respect the integrity and professionalism of all our staff by deeming a member of staff to be engaged in industrial action only by asking them and trusting them to inform their line manager that they have taken such action.

If line managers are themselves taking industrial action then they should inform their senior manager at the earliest opportunity.

The University will expect all members of staff who do not indicate to their line manager that they have taken industrial action to discharge all their normal responsibilities as employees. In support of this approach, managers are encouraged to talk with colleagues in advance of the above dates to determine whether staff will be taking strike action on any of these days and to plan accordingly with their teams to minimise disruption to students and others. Line managers should note, however, that staff are not required (under law) to inform the University in advance of their intention to strike, but they are required to inform us after the event.

In the event that lectures, seminars or exams need to be cancelled, then every effort should be made by the School to provide early communication to affected students including details of how the impact of any cancellation will be mitigated, for example, by seeking to reorganise and reschedule cancelled activities.

Line managers should reaffirm the expectation that all staff who have not confirmed that they are taking industrial action will have attended work and deliver their duties as normal, unless their absence has previously been authorised.

Picket lines

It is possible that there may be some picket lines on each of the strike days. Staff can be reassured that the purpose of any picket line is to pass on information - in a peaceful manner - about the reason for the strike action. We expect any pickets to behave in a respectful way to their colleagues who are attending work. Refusal or failure to cross a picket line is not an acceptable reason for absence from duty and all staff who fail to report for work will have their pay deducted on the above basis accordingly.

Karen Heaton
Director of Human Resources