

UCU/University Negotiating Committee

Minutes of meeting held on Friday 6 July 2018

Present: Dr Gregory Lane-Serff (G L-S), Dr Kamie Kitmitto, Dr Adam Ozanne (AO), Professor Luke Georghiou (LG) (in the Chair), Karen Heaton (KH), Andrew Mullen (AM), Will Spinks (WS) (for items 1 to 8)

Apologies: Professors Philippa Browning & Wendy Olsen

1 Minutes of the meeting held on 21 November 2017¹

UCU's objections to the record of minutes in section 7 and 8 were noted. Specifically, UCU believed that:

- In relation to the FSE review, LG had stated that the School Boards were "just one constituency" for members to express views rather than as recorded "not the only means for the constituencies to express views."
- KH had described the University as unwilling to increase contribution to USS rather than being unable to increase it.

As the University and UCU representatives present differed in their recollection, it was agreed to note UCU's position in the minutes.

The minutes were otherwise accepted as a true record.

2 Matters arising

2.1 Use of fixed term contracts

AM noted that the one outstanding case in the Faculty of Humanities had been resolved and that the individual's contract had been made permanent.

UCU expressed wider concerns about the use of fixed term contracts (ftcs) and, in particular, their increased use for PSS roles whilst the Student Lifecycle Project (SLP) was being developed and implemented. AO cited an example where an individual was appointed to a fixed term contract with the SLP cited as the reason in circumstances where it was not a student facing role and where it was in no way apparent how SLP could impinge on the role.

WS noted that two year contracts had been used for roles that may be impacted in the future due to the SLP. These may be in areas not always thought to be student facing roles. Some may be back office roles but could still be affected by changes associated with the project. For example, changes in systems associated with SLP means there will be less need for activities involved in transferring data between one system and another. In addition, there are project related activities where individuals are seconded to work on the ILP and their position had to be backfilled on a temporary basis.

UCU reported that they were hearing concerns from staff that the incidence of such ftcs was inordinate and excessive, and that it created a sense that SLP was being used unjustifiably as an excuse for their use.

WS rebutted this suggestion and noted that it was not a fair or accurate representation of the position. In the light of the likely significant changes in posts due to efficiencies associated with the implementation of the SLP, the University was seeking to behave

¹ N.B. The meeting due to take place on 8 March 2018 was cancelled as a result of industrial action.

responsibly in applying this practice. The Target Operating Model associated with SLP should be known by the autumn and at that point the University would be in a position to look at current staff numbers in relation to the numbers required post implementation. At present there were over 850 staff engaged in the scope of activities associated with the SLP even though not all were directly student facing.

As AO did not believe the scenarios described by WS applied to the case referred to him, it was agreed therefore that the individual should be advised to speak in confidence to Karen Heaton about their circumstances. AO undertook to advise the individual accordingly.

AO

It was noted that the Research Lifecycle Project (RLP) and Employee Lifecycle Project (ELP) would not produce the same need for use of fics, though for both projects some backfill would be required on a temporary basis as existing staff moved into project roles.

2.2 Academic probation

Following the discussion at the previous meeting about the 28 probation cases in 2017 where a decision had been taken to require a fourth year of probation and one case where a decision had been taken not to confirm probation at the end of the fourth year, details had been supplied to UCU showing the breakdown by School in the Faculty of Humanities. UCU had already been notified that 27 of the cases were in one Faculty.

AO noted that the impact of the cases in Social Sciences had created significant levels of ill will amongst staff with some believing that the requirements for confirmation had been changed and made more onerous since they started. Some staff had said they wouldn't have come to Manchester in the light of what they now know and AO suggested that recent difficulties in recruiting staff in Economics may be due to Manchester having developed a negative reputation amongst early career staff on the job circuit for its treatment of probationers and overly metric based approach to performance. There had also been reports of staff passing probation seeking to leave because they disagreed with the way the university is being managed.

AO expressed concern that there was an inordinate focus on research performance with too little attention paid to personal development, as indicated by the way Personal Development Reviews have been changed to Performance Development Reviews. He noted that the issues of probation criteria changing appeared to have been resolved in so far as the publication requirements are now being explicitly stated in terms of REF criteria.

It was agreed to provide the equivalent figures to UCU for 2018 to inform further discussion. It was noted that whilst it was always regrettable when staff failed to pass probation, there had been only two such cases amongst the 28. Most had been asked to serve a fourth year and it may well transpire that the vast majority passed probation this year.

AM

2.3 M2020

Redundancy

UCU expressed disappointment that it had been judged necessary to make one member of staff compulsorily redundant. Whilst UCU noted that the University had acted in accordance with agreed policy and procedure, it may seek to revisit the arrangements

whereby such individuals are considered for redeployment opportunities. Specifically, it would wish to see more opportunity for judging individuals' suitability by means of a work trial rather than always screening appointability by means of an interview.

Workload

UCU noted that a number of colleagues were leaving under the terms of the Voluntary Severance (VS) Scheme at this point and that there were concerns amongst remaining staff in some areas about the ability to undertake the workload in 2018/19 and the potential for an adverse impact of those staff. UCU asked if there were any measures planned to assess and ameliorate the impact.

KH replied that each area within the scope of the programme would be asked to set out measures it was taking. It was also noted that allocation of work to academics under local workload management schemes would also provide a means of monitoring the position.

KH

Consideration of lessons learned

It was agreed that once GL-S had spoken with the UCU Regional Office, he would arrange a meeting to discuss lessons learned from the M2020 project. This was likely to be initiated in September in advance of the next meeting of the Negotiating Committee.

GL-S

Board of Governors (BoG) matter

UCU noted that Professor Aneez Esmail (AE) has stepped down from its Branch Executive to avoid any suggestion of a conflict of interest in discharging his role as a member of BoG. WS noted that the fact of AE's membership of UCU's Branch Executive did not mean he could not serve as a member of the BoG. Any member of the BoG was expected to withdraw from discussion of an item where a conflict of interest arose. In the past, elected staff, executive members and lay members had withdrawn in such circumstances.

UCU noted that it differed in its definition and interpretation of conflict of interest and that no pecuniary interest existed in the case of AE.

WS noted that the conflict of interests policy agreed by the Board covered conflicts of interest where there was not a pecuniary interest including conflicts of loyalty. It was not just about pecuniary matters².

The parties agreed to differ on the matter.

2.4 Disciplinary and grievance processes

It was noted that training materials used for managers had been sent to UCU as promised early in 2018.

3 **General University Update**

LG noted that there was nothing to report in addition to matters reported at the recent meeting of Senate.

LG noted that this was the last meeting attended by WS as he retires from the University in September. UCU recorded their best wishes to WS.

² A copy of the Board's Conflict of Interests Policy is attached.

4. **New P&DR form**

UCU registered its concerns about the use of a new P&DR form and the inclusion of the Personal Research Expectations Plan (PREP) for academic colleagues. UCU noted that it regarded changes to the form's content as a matter for negotiation and suggested it should be considered alongside negotiations on the new Capability Procedure.

KH responded that any changes to the forms did not change the P&DR policy or the principles that underpinned it. The right to negotiate did not extend to the design and content of the form.

UCU stated that it supported the principle of P&DR, but that without further discussion about its concerns, it would ask members not to participate or to do so using the previous version of the form.

Notwithstanding the differences in view about the need to negotiate the content of the form, it was agreed that UCU would send KH details of its concerns about the new form and a meeting would be organised at an early opportunity to discuss them.

UCU

5. **Equality and Diversity matters**

Academic promotions

An analysis of 2017 academic promotions applications and outcomes by gender and ethnicity prepared for the APR was sent to UCU and a meeting had taken place in April involving KH, AM and Patrick Johnson and GL-S/PB to address UCU's questions.

UCU tabled a document showing an analysis of data by gender and ethnicity of numbers promoted in 2017 for each Faculty under each category as well as how that translated as a percentage of the eligible pool. UCU was particularly concerned about the figures for BAME promotions in Humanities and female promotions in BMH.

It was noted that without seeing other data it was difficult to draw any meaningful conclusions based on one year of promotions. For example the number of BAME promotions in Humanities in 2018 was over four times greater than in 2017. The University is well aware of issues of underrepresentation of BAME staff amongst both academic and PSS staff as well as of women in certain areas and at senior academic ranks. The University's work through Athena SWAN and the Race Equality Charter Mark action plan is aimed at addressing gender and BAME underrepresentation and inequality. In particular, a number of new and innovative measures had recently been identified by the PSS EDI Working Group under the leadership of Vikki Goddard aimed at addressing the slow progress in changes BME representation amongst PSS staff.

It was further noted that HR Sub-Committee examines the data on staff profile, recruitment and promotions by gender and ethnicity every November as well as progress on Faculty and PSS EDI action plans.

It was agreed that when the data on academic promotions for 2018 and other key EDI metrics was available, it would be helpful for UCU to have a more detailed

discussion with senior HR and EDI colleagues. In the meantime, UCU said they hoped some initial discussions, particularly around Action Plans, could begin without waiting for the next set of data.

UCU/KH/AM

6. USS review

As WS and AO are involved in discussions at a national level as, respectively, members of the JNC and UCU's Superannuation Working Group, it was agreed that once WS had provided a factual account of the review process arrangements, it may be appropriate for them to withdraw to allow further discussion. (In the event this was not necessary).

WS noted that there were two separate processes underway.

i. The Joint Expert Panel (JEP)

UCU and UUK have established a JEP to assess the scheme's latest valuation.

Joanne Segars OBE was appointed as Chair, and UCU and UUK have both appointed three members each. The JEP is expected to report back to UCU and UUK on the first part of their work, the 2017 valuation, in September 2018. UUK and UCU will then consider any actions from the panel's report in the scheme's formal negotiating forum, the Joint Negotiating Committee (JNC), before deciding on any changes to benefits and/or contributions to propose to the USS Board.

ii. Cost sharing process

Separately, as trustee, USS Ltd has an obligation to say what contribution rate would be required to repair deficits in funding for pensions already earned and to offer the current level of benefits in future. Based on its assessment, the trustee has concluded that the combined contribution needs to increase from 26 to 37.4 per cent of pay. As the JNC had agreed in 2014 that if contributions needed to be increased the "match" would be removed, the new cost was 36.6%. Based on the need to increase this contribution on the current 65/35 per cent split, employer contributions would have to increase by ca. 6.9% of salaries to ca. 24.9% and employee contribution would have to increase by ca. 3.7% of salaries to ca. 11.7 per cent of salaries simply in order to maintain current benefits. The trustee is actively considering the phasing of changes that will begin to be applied from 1 April 2019, and there will be a consultation with affected employees and their representatives on these matters in late summer / early autumn this year.

A further update to members on the expected impact on contributions from 1 April 2019 is expected in late July.

UCU invited the University to state its view about increasing employer contributions to USS and its attitude towards risk. Its previous position was that it couldn't increase contributions without diverting expenditure from other necessary investment. UCU therefore wished to know whether the University is now prepared to increase the percentage of its expenditure earmarked for pay and pensions or had reassessed what it said about risk in UUK's September 2017 consultation.

WS noted that the University's 2017 Financial Report there had been no reduction in percentage of expenditure on these activities in the last five years, which represented the new financial circumstances of the sector. UCU contended that the picture was different within a 10 to 15 year period.

On risk, WS replied that the University would await the outcomes of the Joint Expert Panel Group and participate in any required consultation at that time. Any University response would be considered through the appropriate governance process and previously this had included Finance Committee and Board of Governors. It would be inappropriate to prejudice that consideration at this time.

LG noted that the University had made no capital expenditure commitments beyond those necessary to sustain its current activity. The MECD project costs were significantly lower than it would have cost to refurbish the North Campus.

It was also noted that the costs of the Fallowfield Redevelopment Project to the University had not increased as a result of the collapse of the Principal Contractor, Carillion because of the bond the University had required to be put in place.

7. Changes to Statutes and Ordinance and Disciplinary Procedures

GL-S noted the discussions were progressing with the next meeting of the joint Working Group taking place on 11 July. It was also noted that significant progress had been made on changes to probationary procedures and in discussions on a new Capability Procedure.

UCU expressed disappointed that proposals to change certain Statutes had been brought to Senate without prior consultation. UCU did not feel this was an appropriate approach and one that exacerbated concerns some staff had expressed about the role of the University's SLT. UCU noted that in the light of two recent industrial disputes, the University did not seem to have taken steps to promote a less fractious relationship with UCU.

WS emphasised that proposed amendments had gone, and would continue to go through the proper channels and consideration at BoG. The proposals represented those of BoG and not those of SLT. They had been developed as a consequence of an external, independent, review of governance effectiveness and an action plan had been agreed by the Board of Governors in May 2017. This had then been shared with and considered by Senate in June 2017 and subsequently.

LG noted that the University was committed to harmonious relations with the recognised trade unions based on mutual trust.

8. Restructuring and reorganisations

UCU noted that the FSE restructure was progressing with a commitment that no academic jobs would be lost. In addition, a process to consider the merits of a merger of the Schools of Law and Social Sciences was underway as was review of the eLearning delivery model.

WS highlighted that in the case of eLearning the review was aimed at addressing the current dispersed and inefficient structures and delivery model.

WS noted the stated need to deliver £15m reduction in expenditure within Professional Support Services by 2021. This wasn't necessarily just about staff cost savings. For example, a significant sum had been saved by reviewing procurement practices. Savings targets for 2017/18 had been exceeded and the £5m target required in 2018-19 was on target to be achieved. Opportunities to achieve these savings would therefore continue to be explored and considered. At this stage it is not known whether there will be PSS staff reductions associated with the FSE restructure. Although there would be a reduction from nine to two Schools

within the Faculty, there have been a number of interim appointments and secondments made in anticipation of this.

AO expressed the view that the reduction in the number of Schools across the University called into question the need for Faculties and that he would be less concerned about the possible merger of Law and Social Sciences if it was accompanied by the removal of the three Faculties from the current hierarchy and their replacement by the conversion of nine schools into nine faculties.

LG replied that whilst the University was always looking for opportunities to improve the effectiveness and efficiency of its structures, there was no plan to review the existence of the current Faculty system.

9. Use of Unit Evaluation Questionnaires (UEQs)

UCU raised concerns about the increasing use of student UEQ outcomes in consideration of staff teaching performance as part of the promotion, probation and performance review processes. This was particularly problematic because of the known gender and ethnicity biases associated with the process. Other concerns were:

- That students submitted comments anonymously and online which compromised the quality of their assessment;
- It was known that compulsory and more difficult UG course units in larger groups tended to attract poorer assessments than smaller final year and postgraduate units and so some staff tried to avoid teaching them;
- Students undertook the assessment before exams had been sat and results were known and therefore did not have a proper and full understanding of the effectiveness of the teaching;
- Response rates were often poor and still far below those of the previous paper-based questionnaires;
- Students could respond even when they might not have attended lectures.

LG noted that the University's approach is to interpret the outcomes in the context of all these considerations. AM noted that based on his experience and knowledge of how UEQs were used within Humanities, the potential biases and other issues were known and therefore the results were used with great care to judge teaching performance in probation and promotions processes alongside other criteria. This was reflected in Faculty guidance.

It was agreed that AM would send the guidance used in each Faculty about use of UEQs in judging staff performance as part of probation and promotion processes. In addition, UCU would send details of a disciplinary case in which it believed UEQ results had been used inappropriately to judge performance. Once this information had been exchanged, it may be appropriate for a meeting to be organised with the Vice President for Teaching, Learning and Students to discuss further.

AM/UCU

10. Next meeting

The next meeting will take place on Monday 5 November 2018 at 2p.m.