

## UCU/UNIVERSITY OF MANCHESTER NEGOTIATING COMMITTEE

### Minutes of meeting held on Tuesday 4 July 2023

#### Present:

Dr Simeon Gill (SG), UCU – Chair  
Dr Nicola Hutchings (NH), UCU  
Professor Bijan Parsia (BP), UCU  
Roger Walden (RW), UCU retired staff representative  
Patrick Hackett (PH), Registrar, Secretary and COO  
Adèle MacKinlay (AMM), Director of People and OD  
Professor April McMahon, Vice President for Teaching, Learning and Students  
Andrew Mullen (ASM), Deputy Director of People and OD  
Carol Platts (CP), Head of Employee Relations

#### Apologies:

Professor Nalin Thakkar, Vice President for Social Responsibility; David Swanson, UMUCU Branch President.

#### 1. Minutes of meeting held on 8 December 2022

Subject to the insertion of “it was suggested” in the third sentence of section 8 relating to the SEP, the minutes of the last meeting were agreed as a correct record.

#### 2. Matters arising and Action Log update

##### 2.1 Civic engagement/SR

It was noted that UMUCU had not yet been invited to attend the University Strategy Group and it was agreed that this would be followed up.

**Action: AMM**

##### 2.2 Health, safety and well-being

NH highlighted that she was still receiving reports from members that meetings were routinely being scheduled at lunchtime and outside of the core hours of 10 to 4. It was agreed that the University would consider how best to communicate and address this while recognising that sometimes it was not possible to schedule meetings in this way.

**Action: AMM**

##### 2.3 Academic Promotions process and documentation

It was agreed that the issues could not all be addressed at this meeting and should be picked up at a separate meeting with AMM and ASM. It was noted that UMUCU had received some responses to its minimum promotions requirements document proposed to the University and that UMUCU did not agree with all of them. The University team indicated that there were proposed developments in the policy and process that they hoped would address concerns. Given other pressing events in the University such as responding to the cyber incident and the MAB, it the University team believed that it would not be feasible to have further discussion until September. UMUCU noted that it would like to see changes made and introduced in time for the 2023-24 academic promotions cycle and that it would seek to develop its own principles for consideration in

consultation with members. AMM to consider what could be achieved within these timescales while noting that it would be unlikely that changes could be introduced in time for the 2023-24 cycle.

Should any changes not be implemented in 2023-24, UCU requested that the University allows any unsuccessful cases to be reviewed subsequently under the new criteria/arrangements and, where successful, implementation of the promotion backdated accordingly. It was agreed that this request would be considered.

**Action: AMM**

#### 2.4 Capability Policy

UCU noted that this policy was due to be reviewed after a year of its operation, but the review was now overdue. It was agreed to pick this up separately and discuss the review at TUNG in September.

**Action: ASM**

### 3. Update from Director of People and OD

#### 3.1 Employee Relations (ER) Team

AMM noted that the ER Team would be fully staffed and operational by the end of 2023. The main role of the team was to lead, support and improve employee relations activities on an individual and collective basis. As well as dealing with the vast majority of casework, the team would develop a more resolution focussed approach to casework and conflict, including mediation and early resolution approaches. There would be greater training for managers on investigations and detailed data on cases to inform early identification of issues. CP confirmed she would be contacting the Trade Unions to provide more detail on the implementation plan.

UMUCU sought and received assurances that the role of People and OD in investigations was to advise and support, but not direct the process or take the lead investigator role. This was something they felt had been blurred in some areas of casework that UMUCU had engaged in.

**Action: CP**

#### 3.2 Personnel changes

AMM noted several changes in senior People & OD personnel in recent months. Specifically, Anthony Wilkinson is covering for Jo Couling's maternity leave as Head of People and OD for PS and CI, Emma Curson is the Head of People and OD for FBMH, Fiona Keenan the Head of People and OD for Humanities and, finally, John Malley had just joined as Interim Head of People and OD for FSE.

#### 3.3 People and OD Transformation Programme

AMM confirmed there had been an impact on plans due to the cyber incident and some technical enhancements had been pushed back, though 80 per cent of the current deliverables were unaffected and remained on track.

PowerPoint slides relating to current progress and plans to be circulated to UMUCU.

**4. Cyber incident-update from Registrar, Secretary and COO**

This item was deferred due to item 6 being brought forward. Updates are ongoing and currently daily weekday updates are placed on StaffNet.

**5. Understanding of UCU's intent to disrupt the beginning of the next academic year**

This item was deferred due to item 6 being brought forward.

**6. Negotiations on proportionate deductions and a resetting of relations including request for a joint statement on UCEA return to negotiations**

- One UCU colleague challenged the legality of the University's approach to withholding pay for MAB and cited case law. The University responded that both it and UCEA had received comprehensive and clear legal advice from senior employment law practitioners with experience in the sector and were satisfied that the deductions were within the legal framework and proportionate. It was suggested that UCU national may challenge the approach through the courts, though that could take some years to conclude.
- UCU also challenged the University's position on requirements for members to report participation in the MAB based on advice from Acas on the legal position. They further believed that some of the communications from the University to members about the reporting process actually alienated some staff further and acted as a spur to members to participate in the action. UCU stated that management's approach could contribute to a low trust environment. In response, the University disagreed with these statements and insisted that its approach was professional and focused on taking reasonable actions to mitigate the impact of MAB on students and other staff not engaging in MAB. There was brief discussion as to the upset caused by MAB. UoM were concerned at the disruption to business-as-usual process and some staff being disruptive in examination boards, UMUCU suggested some consideration be given as to how relations would be repaired post the MAB.
- UCU requested the University to consider if they could apply more 'proportionate' deductions as marking did not make up 50% of a member's work activity. Regardless of the legal position, it was felt by members to be unfair. The University explained that its approach to calculation of deductions was based on an assessment of the serious impact of MAB on students and other staff, as well as time spent on mitigating it, rather than UCU's assertion that it should be based on actual time spent on marking or other MAB activities. Unlike previous periods of MAB, the damage to some students is now done and not capable of further mitigation.
- The University emphasised that it had already adopted a proportionate approach by not imposing a 100% pay deduction from the outset as it is legally entitled to do but setting it at 50% in the first instance.
- UCU reflected that they were hopeful of finding a negotiated way to 'wind down' the tension that currently existed between the union, some colleagues and the University. This might be achieved by the University reducing the deductions for MAB, reviewing the tone of the emails around reporting requirements and issuing a joint statement asking UCEA to resume negotiations with UCU nationally on pay and non-pay matters.

- The University recognised this was a very difficult situation for both parties as UCU were constrained by the national UCU position voted on by its members and the University was represented by UCEA. However, both parties welcomed the news that UCU and UCEA had agreed to meet in the near future.
- UCU explained how the imposition of the pay award by UCEA shortly after it had agreed a pause in earlier strike action was felt to have damaged trust in the negotiating process.
- The University believed that UCU were asking a lot without offering anything back, such as a commitment not to putting the MAB on hold. UMUCU explain the constraints of deciding a local branch position on national action and provided a number of areas where negotiations could focus, such as escalations proposed on both sides and agreements on negotiated and time limited deductions. UoM felt these were insufficient though AMM suggested there could be the possibility of a joint statement about the non-pay items.
- It was agreed that neither party were where they wanted to be, and it was essential that UCU (national) and UCEA returned to the negotiating table. PH felt that both parties needed to restart discussions from first principles, though the re-opening of negotiations relating to the 2023 pay award were not possible for reasons previously articulated.
- There was discussion about what a joint statement could comprise, given the current constraints, and the University team agreed to consider how this could be taken forward. The University negotiators felt it could not be in the form requested by UMUCU in mid-June.

**Action: AMM**

#### **7. MAB reporting protocols**

This item was deferred to the next meeting due to item 6 being brought forward and running out of time.

#### **8. Scheduled date and time of next meeting**

Monday 27 November at 1pm (in person), though desirability of meeting in the meantime was noted.