

**UCU JOINT NEGOTIATING COMMITTEE (JNC)**

**Date:** 7 April 2020

**Venue:** Via Skype.

**Start Time:** 10:30

**Present:** Paul Davidson, Deputy Director of People and Culture; Lindesay Dawe, President UCU; Adrian Grant, UCU; Mark Latuske, Deputy Director of People and Culture; Paddy Mackel, NI Regional Official; Damian McAlister, Director of People and Culture; Linda Moore Vice President UCU; Aisling O'Beirn, Vice President UCU.

**In Attendance:** Timothy Brundle, Director of Research and Impact; Christine Irwin, Employee Relations Partner.

**20.15 Welcome and Housekeeping**

Mr McAlister welcomed all to the meeting.

Mr McAlister advised the meeting that Mr Brundle needed to leave the meeting at 11am.

**20.16 Fixed-term staff**

The following issues were discussed:

- Mr Brundle referred to the letter dated 2nd April, 2020 from UCU to Professor Cathy Gormley-Heenan and Damian McAlister. The letter formally requested that Fixed Term Contract staff be discussed and negotiated as a matter of urgency. Mr McAlister expressed surprise at having received the letter and said that he thought progress had been made in terms of trying to resolve issues at a previous meeting.
- Mr Brundle informed the meeting that he had moved his 11am meeting to 11:30 to talk to the JNC. Mr Brundle said he was speaking with research funders to agree extensions e.g. Invest NI. Mr Brundle noted that the REF process has been postponed; the census date remained in July as planned, however submissions which had been due at the end of November were now delayed. REF will give 8 months' notice of submission date.
- Mr Dawe advised that following UCU discussions, it is UCU's view that a delay to submission date means nothing if the census date remains at July 2020. UCU noted that academic colleagues and members are feeling the pressure of changes in family responsibilities and changes to work circumstances. UCU at Ulster and Queens and nationally are pushing for a more reflective response from REF.
- Mr Brundle expressed agreement with this point. Colleagues are working on REF submission. Current climate is having considerable effect on impact studies.

- Dr Moore reported that some UCU members have been upset at being at SRR meetings during this crisis and asked that Managers be sensitive to people not feeling that this is an appropriate time for SRR meetings. UCU nationally are boycotting REF unless it is particularly in the member contract of employment.
- Mr Davidson advised that as the census date remains July 2020, the SRR process needs to be completed by the census dates, but should of course be done in a sensitive way. UCU acknowledge that it is a complicated situation but would ask managers not to be chasing for SRR currently.
- Dr Moore said that if a person confirms in writing, that they are an academic and research is part of their job that should be enough. Mr Brundle advised that the University is required to implement the procedure in the Code of Practice which had been sent to the REF team.

Mr Dawe spoke about difference of approach between schools and spoke of concerns around a heavy-handed approach. Mr McAlister asked that UCU report to Mr Brundle where schools has taking a heavy handed approach.

- Mr Brundle spoke about his work on research contracts (note: this refers to grant contracts rather than contracts of employment). Mr Brundle said that he is working to establish which projects can be paused and which can go ahead. Mr Brundle further noted that new funding contract are continuing to come in and he is signing off contracts and grant proposals every day.
- Having analysed the current status of contracts, Mr Brundle is able to advise that about a third of the funding contracts, don't require amendment. Of the other 2 thirds, no one is requesting early project termination, although some contracts were in their last month and proceeding to audit and claims stage. About half of the research contracts require extension which can be worked within exiting budgets. Roughly a quarter, will require serious financial reworking to allow them to continue. This affects about 40 people. As far as the 132 new contracts this year, 20 can start as planned and 112 will start after a delay.
- Dr Moore asked whether anyone would be affected by contract ending, over the next few months.

Mr Brundle advised that there are a number of people due to finish between now and the 31 July, about five of those people had decided to leave contracts early in order to go home – Spain, Italy, Portugal and there are some who remain who would be affected if projects end.

- Dr O'Beirn asked whether those that left early are still being paid. Mr Brundle confirmed that they were not. Mr Mackel asked of the 40 people who were associated with contracts that required re-working, what changes were required, in what time-scales and similarly, for the delayed projects, how long is the expected delay? Mr Brundle advised that this was dependent on the pandemic and a range of factors would be considered including:
  - How close we are to delivering on the terms of the funding contract.
  - Whether field trial of human intervention studies are required (currently deemed unsafe due to pandemic)
  - Whether there is a different way in which the project can be done – maybe with a smaller study pool or with less travel etc.

- Does the funding contract need to be renegotiated. Mr Brundle advised that funders are sympathetic. He noted that getting agreement is not the difficult part – but working out ‘what is a viable project’ is.
  - Whether there are overheads included in the grant.
  - Whether a ‘leaner’ project is possible.
  - The range of overheads and the scope for flex in the funding contract.
- Mr McAlister advised that he and Professor Gormley-Heenan had said that there was to be no detriment to staff arising from the lockdown. Now that the data is available, it will be interrogated further. Some cost may have to be taken on by the University to avoid detriment and for others, the University would consider furlough (although it is not yet known whether University employees would be eligible for the furlough scheme). Mr McAlister gave assurance that staff would be paid at the in April as normal.
  - Dr O’Beirn asked whether any political approaches had been made to Stormont. Is there research that is linked to companies that Invest NI or Stormont could invest in? Mr McAlister advised that the situation had been flagged to the Department for the Economy and a bid funding had been registered.
  - Mr Brundle advised that he will establish principles with the Executive Deans and take a portfolio approach of projects. The faculties may need to work together. There are some large projects with large overheads and some with flat overheads. Establishing a team approach will be important.
  - Mr Brundle referred to a letter in which the minister for science said ‘now is the time to step up and look after your people’. Mr Brundle reported that this is what he is doing. We are in touch with the DfE re: maintaining research. Universities are a key part of economic recovery. Capability in research needs to be maintained. The skills emerging from the PhD are going to be essential workers as part of the re-constructing the economy. Mr Brundle advised that he is in daily contact with the DfE.
  - Mr Dawe asked whether a high level working group was envisaged, to review cross faculty process. Mr Brundle said that the intention was that the Associate Deans lead on this but he would support a working group to establish and agree principles.
  - Mr Mackel asked that a positive message be sent out advising of the work being undertaken. Mr McAlister agreed.
  - Dr Moore said that it was of concern that people had already left. UCU don’t want to see anyone made redundant over the next year and definitely not the next 9 months while the crisis is going. Dr Moore spoke about current job market and requested that it be recognised that it is a difficult time to lose jobs. UCU are looking for an end to all redundancies including those where a contract is due to end. UCU are requesting a buffer in the Covid-19 crisis.
  - Dr Grant spoke about universities being central to economic recovery. Research staff would usually go into redeployment. Redeployment opportunities will be restricted as well as external opportunities. If staff are not protected, institutional knowledge is lost. The very people who keep the research ticking over are the long-term research staff who may be on fixed term contracts for years. Dr O’Beirn

spoke about research being at the core of clinical, economic and psychological recovery. It is incumbent on the University to support staff. The issue links to casualisation and equality. Dr O'Beirn noted that when you dig deep, you can see an impact on equality figures. The University need to think of the common and civic good. It's great to hear the work that Mr Brundle is doing, these are points that can be made at government level and as part of a bigger picture.

- Mr McAlister concurred with Dr O'Beirn comment that research is core to the recovery from the pandemic. He also noted that the pandemic presents particular challenges for the HE sector.

Mr Brundle left the meeting with the action to pick up with Adrian Grant, outside the JNC meeting.

Mr McAlister summarised that there is a lot to talk about on this complex issue. He advised that he is grateful for the work that Mr Brundle is doing and his ingenuity in finding solutions. Mr McAlister agreed to try and safeguard employment and aimed to come back to UCU with a formal written response by week commencing 20 April.

Dr Moore requested similar information as provided on researchers, to be provided regarding fixed term teaching staff and support staff beyond teaching and research i.e. anyone on a fixed term contract who is directly employed. Mr McAlister agreed to include that data.

#### **20.17 Minutes of JNC 9 January 2020**

Mr McAlister asked for any points of accuracy.

Mr Mackel noted that his name had been misspelt in the minutes.

#### **20.17 Matters arising**

Mr McAlister asked for discussion under matters arising.

UCU requested that the May day bank holiday be looked at and 2 days given as a gesture of goodwill. UCU expressed appreciation at the extra 2 days given at Easter . Mr McAlister committed to talking to the VC about this and linking in with Queens.

#### **20.18 COVID-19**

Mr McAlister thanked Union colleagues for the continued twice-weekly discussions. Mr Davidson suggested that one of the two weekly meetings, be repurposed to a be a JUCNC to deal with exceptional items e.g. furlough staff and annual leave.

Mr Mackel asked for clear guidance for how the University would deal with those who have commitments e.g. children at home; home schooling; elderly relatives. 'Are you suggesting that it is ok for a staff member to home school until 1pm or do they have to do a full day's work after 1pm?

Mr McAlister said that People and Culture have issued some guidance to help line managers and staff. The primary response is that staff look after their health and wellbeing.

Dr Moore advised that there is a big difference between schools, in approach. The decision that the exam board won't move more than 2 weeks – to 25 June – creates huge pressure and means that people are chasing people 'where is your marking, have you sent alternative' . UCU called for a ban on Heads of School; VC etc. talking about 'the new normal' rather than the VC send a message that, a full day's work is not expected

from anyone. There are system difficulties; for some, reasonable adjustments are no longer in place. There are concerns re; child protection - on skype calls etc. – all sorts of equality issues ‘how do you conduct a skype call with a 2 year old’. There needs to be a clear message that it is not business as usual.

Mr McAlister advised of the need to progress the academic year as far as we can and proposed that the subject is looked at case by case and school by school. People and Culture to take the matter back to Brian Murphy and the Associate Deans. Mr McAlister advised a common sense approach. The Line Manager’s survey will shape current guidance.

UCU asked that the University look at HMRC incentive for employers to provide allowance for staff working from home. Mr McAlister advised that Mark Harvey, HMRC liaison was working on this.

Dr Moore asked that a shorter day be put in place and a message along the lines of ‘Don’t worry if you don’t get your day’s work done ; If something is not urgent for now, think about whether it can be postponed’. Mr McAlister agreed to look at this after Easter.

*Meeting adjourned 12:02 back at 12: 07*

Mr Dawe talked about an ongoing issue in the School of Nursing. Changes related to colleagues taking on additional year one and year two teaching and how this works with semester 3 and post grad research.

Mr McAlister advised that he understood that the Head of School was liaising with staff.

## **20.19 Casualisation and Workload Allocation Model**

Mr McAlister noted that Gender Pay Gap and Casualisation are part of UCU’s national dispute. He noted that the VC is very keen to sit down with UCU and progress these issues locally.

McAlister also noted that conversations have been held regarding Work Allocation Models (WAM). Terms of Reference were sent to UCU at the end of February. Mr McAlister proposed that he set up a meeting after Easter about Workload, Gender Pay Gap and casualisation.

Dr Moore said that UCU have some suggested changes on the Terms of Reference for the Workload project. UCU will return these with comments.

Dr Moore said it was important not just when reviews are done but also how they are done. She referred in particular to the recent review of promotions, noting that UCU felt swamped by the number of senior managers involved and the negotiations did not feel equal. Dr O’Beirn suggested a cross-faculty approach rather than each of the Deans being at the negotiation.

Mr Mackel said that some of the concerns around academic promotions were around the balance of numbers on each side. UCU was negotiated ‘to’ rather than ‘with’. He noted that negotiation and consultation with the Unions takes place from within the HR function, not with managers and with all being equal. Mr Mackel urged the University to have a united view before coming to the Union.

#### **20.20 Use of Management Reviews**

Mr McAlister opened the discussion on Management Reviews, noting the concerns raised by UCU.

Mr McAlister noted that use of Management Review does not undermine the ability to enact appropriate policy at any stage. It is simply a process to help establish facts, particularly in complex cases. It is in line with good HR practice. If the review identifies the need to initiate a disciplinary process, the full provisions of the Disciplinary Procedures will be enacted.

The recent use of management review in the library at Magee was discussed

Dr Moore said that the conduct of individuals should not get wrapped up in a review about processes. UCU have no concerns in the University looking at process only. Mr McAlister said that where conduct issues were discovered within a review, the University would not turn a blind eye, rather, they would move the concerns into an appropriate process.

Mr Mackel said that his understanding was that management review was used in place of someone raising a grievance and proposed that People and Culture sit down with UCU to look at this.

Dr Moore called for Management Review to have a restorative approach.

After much discussion it was agreed that Mr Mackel and Mr Davidson should meet to discuss further.

#### **20.21 Gender Pay Gap**

Mr McAlister reaffirmed the University's commitment to addressing the Gender Pay Gap.

UCU said that they would be keen to discuss these matters. A team is being established within People and Culture to take this issue forward and a meeting will be arranged with UCU.

#### **20.22 Financial Situation of the University**

Mr McAlister referred to the meeting scheduled for tomorrow (8 April 2020) to discuss the University's financial situation with the unions. Mr McAlister reaffirmed the University's commitment to transparency in these discussions.

#### **20.23 GBD**

Mr Dawe raised the issue of trade union involvement in GBD and in particular the need to have a timetable of activities so the unions can plan their contribution.

Mr McAlister agreed and noted that work is underway to identify funding for additional facilities time to support trade union involvement in GBD.

#### **20.24 Restructure**

Mr Dawe asked that it has been confirmed that re-structures, beyond those started, will be suspended.

Mr Dawe said that staff are unsure as to the process of consultation in Health Sciences and what stage this is at. Mr McAlister said that Health Science consultation was paused and EQIA is to be conducted. Mr McAlister advised that the University will request trade union involvement in the EQIA .

Mr McAlister also advised that the University is about to embark on an EQIA in respect of UUSU policy mandate over bi-lingual signage.

#### **20.25 Lack of consultation on advertised post**

Mr Mackel noted that UCU had concerns around the interim VC position and cover for the work that the interim VC was doing previously. They had understood that the idea was to offer an additional responsibility allowance, but subsequently discovered that the backfill has been advertised as two new posts. UCU are concerned about the lack of consultation.

Mr McAlister noted that in his experience, it would be very unusual for consultation to take place on the most senior management position in any organisation that he has worked in. He noted that Mr Davidson had corresponded with UCU to advise that we would be creating two interim Dean positions.

A discussion followed during which UCU noted its disagreement with this approach. UCU indicated that in their opinion LRA codes require consultation regardless of the level of the post. UCU also advised that they have representational rights for all academic and academic-related posts up to the level of VC.

Mr McAlister said that the University was committed to negotiate on the main terms and condition of employment but this does not include negotiation on filling vacant posts.

13:34 Mr McAlister left the meeting due to a prior engagement.

#### **20.26 Promotions**

Mr Davidson provided an update on the ongoing academic promotions round. He noted that 51 application had been received. A meeting of the promotions panel had been arranged for mid-March but this was postponed due to the pandemic.

Mr Dawe asked for a breakdown of by equality category

#### **20:27 AOB:**

Some further discussion took place in relation to casual and fixed-term workers. Mr Dawe raised particular concerns in relation to staff who have been on fixed-term contracts for a particularly long time, noting a particular case where a person has been on a fixed-term contract for 10 years.

Mr Mackel said that it would be UCU's position that after 4 years service the employee should become permanent automatically and that that UCU would be happy to talk with the University on this matter.

**Meeting ended.**