**JNC(UCU)/16/1/A**

**UCU Joint Negotiating Committee**

**Minutes of the meeting held at 2.00pm on 23 November 2016**

**in the Sussex House Committee room**

**Present:**

**University Management:** Stephen Shute (SS), Pro-Vice-Chancellor; Sharon Jones (SJ), Academic Registrar; Jane Summerville (JS) Director of HR.

**UCU representatives:** Chris Chatwin (CC), President - Chair; Doug Haynes (DH), Denise Turner (DT); Sharon Lamley (SL).

**In attendance:** Mike Moran (MM),UCU Regional Officer; Sarah Cox (SC) - Management Joint Secretary; Ian Carter (IC), Director of Research & Enterprise Services (agenda item 7 only).

**1. Welcome, introductions & apologies for absence**

Apologies were received from SJ who was not able to attend the start of the meeting but joined later.

SS said that Peter Coles, who was a member of the University Management side of the JNC, had now left the University but would be replaced with another Head of School.

SC said that she had now returned from maternity leave and would be resuming the role of Management Joint Secretary to the UCU JNC.

**2. Minutes of the meetings held on 18 May 2016 (JNC(UCU)15/3/M)**

CC requested a factual correction to the minutes. Subject to this change being made, the minutes were agreed.

CC asked that the minutes be distributed within two weeks of the meeting in future.

**3. Matters arising**

**3.1 Minutes of 29th April 2015**

This action had been completed.

**3.2 Exit interviews**

JS said that HR did not currently have the resources to manage an exit interview process. MM said that exit interviews were valuable and, along with other data, would be a useful resource for the University. JS said that if an Exit Interview process were agreed in the future, it would be via an online questionnaire that went to an external provider, with anonymised results sent through via a report e.g. every 6 months. JS said that it may be something the new Director of HR would consider, but the current focus was on surveying staff in post.

**3.3 Conflict of interest**

This action had been completed. Conflict of interest and Code of Conduct were to be discussed at agenda item 13.

**3.4 AT agreement**

This action had been completed. The AT agreement was to be discussed at agenda item 5.

**3.5 Probation Procedure**

This action had been completed. The Probation Policy was to be discussed at agenda item 10.

**3.6 Gender pay gap/equality objectives**

JS said that the draft equality objectives were going through the consultation process. At Senate, the VC had clarified that they would be finalised by the end of the current term. They were currently on the University website in a draft format, and JS said that the web link would be sent to UCU. JS clarified that the objectives identified specific actions, but the University was also carrying out additional work in this area.

MM said that UCU would want to be involved in any work the University was undertaking with regard to equal pay. JS said that UCU were involved in the University’s Equal Pay Review, and would also be involved in the Gender Pay Gap reporting which was coming in next year.

**ACTION – JS to send UCU the link the University’s draft equality objectives.**

**3.7 Notice period for teaching only faculty**

JS said that discussions were currently taking place at the University about start dates of teaching periods and gaps between them, and therefore the wording around notice periods for teaching-only faculty would remain as they were for now, pending the outcome of those discussions.

**3.8 Abolition of second state pension**

This action had been completed.

**3.9 TU notice boards**

SL asked how UCU could communicate the existence of the union to potential members. JS said that information was sent out with contracts to all new staff who are in grades for which UCU was the recognised union, and UCU were also invited to come along to the new staff induction events. JS said that it may be possible to set up some sort of virtual UCU discussion group, but this would need to be investigated with Communications.

DH asked whether it would be possible to announce something to all staff on behalf of the union, via the University email system. JS said that Communications did not sent out ‘all staff’ emails very often as people did not like to receive them, and there were strict rules around this.

MM asked if it would be possible to find out what was the University policy for group emailing, maybe it would be possible for the campus unions to send out a joint communication to staff once or twice a year. JS said that if approved, it may be possible to send out a general communication but the University would not agree to the unions sending ‘campaigning’ emails out to all staff via the University all-staff email.

**ACTION –**

1. **SC to contact Communications about the possibility of setting up a discussion group.**
2. **JS to contact Communications and senior management about the rules around ‘all staff’ emails.**

**3.10 Senate working group on workload planning**

This action had been completed. The workload model was to be discussed at agenda item 12.

**3.11 Any other business – paternity guide**

This action had been completed.

1. **Workforce data (JNC(UCU)16/1/1)**

SL said that the data that had been provided in the paper was unhelpful as it had no context and did not mean anything. She would like to know which other types of data were available.

JS said that the information provided had been the same as that requested by the other unions, which had been provided to them for the past two years. JS said that HR produced other data such as that from the staff survey, equalities data, and Occupational Health statistics reported to the Health and Safety Committee.

SL said that UCU had data about their members and their experiences of University policies etc that may be helpful to HR. She suggested that both sides had data that may be helpful to each other.

JS said that some data in HR was held manually and was more difficult to obtain and collate. She suggested that SL meet with an appropriate member of the HR team to discuss the dataset that could be provided to the JNC in the future. SL agreed that this would be helpful and she would like this to take place in January.

**ACTION – SC to arrange a meeting with SL in January to discuss workforce dataset.**

1. **Associate Tutors**

JS said that UCU had confirmed via email on 2 September 2016 that their members had voted to accept the new Associate Tutor contract. She would like to formally record for the minutes of the JNC that UCU had agreed the new Associate Tutor contract. MM confirmed that they had.

JS said that work on implementation was now taking place. There would be a transition process and the new contracts would be issued for the start of next term. JS said that it would not be until the next academic year that the full recruitment process would take place under the new contract.

MM said that UCU had agreed the new contract but would ask the University to be mindful of unintended consequences, where an individual may be disadvantaged or have a particular issue with the implementation, and UCU may need to approach the University on behalf of that individual. JS said that the University would also be monitoring this and there would be a group in HR that would monitor how the implementation went and how the new process was working.

CC said that he understood some people were not happy with the working hours cap and wanted it to be removed and he and MM had been asked to write to the VC, which they did.

JS said that the new contact would be implemented in its current form as agreed for now, and if any changes were proposed in the future, these would be discussed and negotiated.

.

1. **Proposal to change Grade 7 Researcher increments (JNC(UCU)16/1/2)**

UCU welcomed the change and agreed to the proposal.

JS said that it applied to 26 members of staff, approximately half of whom were men and half women. It would apply from 1 October 2016 and those members of staff who were still employed and met the qualifying service period for the most recent increment run would receive an increment backdated to 1 October 2016.

1. **UK Scholarly Communications Licence (JNC(UCU)16/1/3)**

IC joined the JNC for this agenda item.

MM asked how similar the policies in place around the UK Scholarly Communications Licence (UK-SCL) would be in the other 69 institutions involved in the initiative. IC said he had marked up changes to current University policies using wording suggested by Imperial College (who were leading the initiative), which they had arrived at following legal advice. The UK-SCL was a national policy and licence and should be replicated in the same way in each institution. IC’s understanding was that the substantial majority of institutions involved would take the same approach (the exceptions being the few where the institution chose to retain its rights to copyright in publications).

CC asked what would happen in the future when an academic received a form from the publisher that asked them to sign away their rights to an article. IC said that it would be the same as currently. The sector and the University would have informed all the major publishers that they had implemented the UK-SCL, so they would be deemed to be aware. JS asked whether academics would still be sent the form. IC said that in theory they would not, but the publishers may be slow to change their established procedures.

SL asked what would change when the UK-SCL was in place. IC said that the author would retain the copyright to their own work but would give the University a licence to use their publications for certain specific circumstances, in particular for deposit in Open Access repositories.

DH said he could not understand how publishers would let this happen. IC said that a similar system had been in place in the USA for a number of years and there had been no backlash. DH said that the danger for publishers was that in the future everyone would go to University libraries to obtain Open Access publications free of charge and no-one would subscribe to journals any longer.

SJ said that there was a benefit for the academic in that they would receive earlier exposure and quicker impact for their paper, rather than having to wait for it to be published in a journal. This would have benefits for the REF, and for promotions applications. IC said that the licence would ensure that the articles would meet the REF Open Access requirements. IC said that at present, the UK-SCL would only apply to journal articles and conference papers, but as and when monographs were required to become Open Access for the REF, the UK-SCL would then require some modification.

JS asked whether, if the UK-SCL were agreed, individuals may opt-out of it. IC said that the UK-SCL would apply to all members of staff (as it would be a matter of institutional policy), but if an individual did not want a specific article to be subject to it they could request a waiver for that particular article. A waiver would not be unreasonably refused by the University. Publishers themselves could not request a waiver, but they could require an individual to obtain one. SS asked whether they might all do that. IC said that was a possibility, but it had not happened in the USA.

SS asked whether adoption of the UK-SCL would require a change to individual terms and conditions of employment. IC said it was his understanding that it would not. JS said that the proposed changes were to University policies, and although some of those policies were referred to in the terms and conditions of employment, they were not themselves contractual.

SL asked about the consultation process in the University to date. IC said that he had consulted with the Directors of Knowledge Exchange both formally and informally. They had been encouraged to have discussions about it within their Schools (CC noted that it had been discussed in his School). Heads of School had also been consulted and the proposal had been to the Research & Knowledge Exchange Committee and to Senate.

MM said that this was a national issue and he would need to consult with his colleagues at UCU who dealt with national issues such as this. IC said they may already be aware of it, via other institutions. He explained that the decision had been taken that the institutions involved would consult with UCU at a local level rather than the group themselves approaching UCU on a national level.

IC said that the different institutions involved were proceeding at similar but slightly varying paces. The UK-SCL would not be adopted until there were enough (large) institutions ready to implement it. This was likely to be in February or March 2017.

JS asked whether IC would be able to meet with UCU if they had further questions once they had consulted their colleagues. IC said he would be happy to do so.

JS said that the proposal would be going to Council later that week, but Council would be told that it was still subject to consultation with UCU. JS said that an important point, that IC had made clear, was that under the UK-SCL the rights of the individual author would not change: they would continue to retain ownership of the copyright of their articles.

IC agreed that this was the case. He said that with regard to the proposed changes to the Policy on Exploitation and Commercialisation of Intellectual Property, he had also suggested two changes that were not directly connected to the UK-SCL: the first was the explicit assignment of rights to the individual (rather than the previous wording of a waiver of the University’s rights), and the second was a confirmation that there was no change to the individual’s moral rights.

SL asked what difference the adoption of the UK-SCL would make to individuals. IC said that all their individual articles would be available on Sussex Research Online and would be available to everyone. The articles would be available straight away, and would comply with the REF Open Access requirements.

SS asked what would happen about copy editing. IC said that the version licensed to the University would be the author’s accepted manuscript, before copy editing had taken place. The University would not have rights over the copy-edited version (also known as the version of record). He said that this was one of a number of questions that may arise over the implementation of the UK-SCL.

IC said that he was in the process of producing an FAQ document about the UK-SCL, originally intended to be released at the time the policy is implemented, and that this may help UCU in their communications to their members.

**ACTION –**

1. **MM to liaise with UCU colleagues before responding to the UK-SCL proposals; then**
2. **UCU to confirm whether they wish to have a meeting with IC to discuss further.**

1. **Procedure agreement**

JS said that the latest draft of the updated Procedure Agreement with UCU was with her for comment. JS said that she would review it and respond to MM before she left the University in 4 weeks’ time.

SL asked which agreement currently applied. JS confirmed that until such time as the amended Procedure Agreement was agreed, the current version (published on the University website) was the agreement that applied to the arrangements between the University and UCU.

**ACTION – JS to send comments on latest draft of Procedure Agreement to UCU**

1. **Staff survey update**

JS said that the third staff survey had opened the previous day. The survey contained the same questions as in previous years, in order that a comparison could be made. The results would also be externally benchmarked. As in previous years the initial, high level results would be available before Christmas and would be shared with the unions. The more detailed results, broken down by School and Professional Services Division, would be available in the new year.

JS said that the higher the response rate to the survey, the more valuable the results would be, and that anything UCU could do to help improve the response rate would be helpful. The first survey had a 49% response rate, the second interim survey 40%. JS said that she thought an issue that may be preventing people from responding was concerns about confidentiality; this was an issue that came up every year. JS would like to reiterate that the survey was anonymous. Where there were fewer than 10 members of staff in a division their results were not published separately (although they fed in to the overall results). The analysis was all carried out by an external company via software. They were provided with the version of employee’s email addresses that did not contain names.

SL said that people were anxious about the last bit of the survey which asked for information about location, grade, gender etc. JS said that in most of those questions there was an option for ‘prefer not to say’. JS said that those questions were consulted on and discussed at the Equality and Diversity Committee. The view was that questions should be asked about all protected characteristics, not just a few. JS said that the data was important for identifying issues and not individuals. For example, in the last survey the University were able to identify that people with adult caring responsibilities appeared to be less engaged with their work. The richer the data was, the more useful it was to the University.

SS said that the University did not receive individual returns, or lines of data, just the aggregated responses.

DT asked what happened to the data that was collected.

JS said that the results were published on the University website. After the first survey, JS and senior management met with different staff groups and the unions to discuss the survey results and actions arising from them. An Action Plan was developed and that too was published on the website. Regular updates were also published that reported progress on the Action Plan. Local Action Plans were also produced. JS said that the aim was to embed a culture where staff could say what they thought, and be confident that action would be taken as a result.

JS said that a new Action Plan would be produced as a result of the current Staff Survey, and a decision would be made about whether there were any matters outstanding that should be carried over from the previous Action Plan.

1. **Probation policy**

JS said that a member of the HR team was currently working on the Probation Policy, and that she expected the University would be in a position to share the draft with the unions in the next term. JS said that the draft new policy was more detailed, and easier for both the member of staff and the line manager to follow.

1. **Promotion criteria (JNC(UCU)16/1/4)**

JS said that the University would like to add a criterion about ‘impact’ to the promotion criteria that would be beneficial for both the employee applying for promotion and those considering it. JS said that those applying for promotion often made reference to the impact of their research, but there was nothing explicit in the criteria referring to it.

SL said that UCU would be concerned that if that criterion were included, it may prevent someone getting promoted because of a judgement about the impact of their research. JS said that was not the intention, but rather to enable someone to achieve a promotion. JS said that in her experience, members of the promotions boards tried very hard to understand the cases put before them and find the strengths in each case and the inclusion of a clause on impact would help with this.

UCU agreed the change. DH said that there were other measures such as Knowledge Exchange and public engagement which should also be considered in the future.

1. **Workload model**

SS said that the work on the Workload Model was currently with the new Vice Chancellor for review, to check that he agreed with what had been produced to date before it was taken any further.

DT asked what the Workload Model was.

SS said that in the Staff Survey 2 years ago, staff had been concerned about their work-life balance. An action arose from this for the University to create an academic workload model. A Senate Strategy Meeting took place where the whole day was devoted to considering this matter. A set of principles was agreed and approved by Senate at its next meeting. The principles were available on the University website. A Senate Working Group was then set up to put the principles into practice. The idea was to create an overall framework but allow for local differences. The group gathered information from all Schools (excluding BSMS) about current practice for academic workload planning. There were more than 20 different models in use across the University. The Working Group then held a 2 hour meeting with each School. All this information was brought back to the Working Group. There was also a meeting with UCU to discuss the work. The Working Group then began to define categories of work, and to consider tariffs for each of those categories of work. The tariffs were based on a notional 37.5 hour working week and the number of available working weeks in the year.

SS said that the Working Group wished to produce an overall framework, with a rationale for when and how things should be different. Different Schools currently had different approaches to early career academics, new members of staff, maternity returners etc.

DT asked whether there would be guidelines for when the annual planning process should start. SS said that there would be, however late changes would sometimes need to be made, for example if a member of staff left during the year.

SS said that the Working Group would work closely with UCU and would meet with them once their proposal was fully developed. SS said that the idea would be to pilot the new model in three Schools alongside existing practice. The pilot would be reviewed, lessons learned from it, and then the new model rolled out across the University in the following year.

CC said that there was a consistency issue with workload planning and that UCU supported this initiative because they wanted to see fairness and transparency. SS said that these were fundamental principles behind the new model.

SS said that he would come back to the JNC with an update after the new Vice-Chancellor had reviewed the work that had already taken place and provided his input.

**ACTION – SS to provide update on Workload Model at the next JNC.**

1. **Staff code of conduct**

JS said that the development of a staff code of conduct arose out of further work following the Action Plan from the first Staff Survey. A group consisting of a member of HR and a representative of each of the campus unions was formed, and the group considered other examples and drafted a Code for the University. Rather than duplicate existing University policies, the draft Code made reference to other relevant University policies. However, at the meeting of Council earlier this term, it came to JS’s attention that Council wanted to develop a code of conduct. It was unclear at this stage whether it was intended to apply to Council members only, or to University staff as well. If it applied to Council members only, the two Codes should nevertheless be complimentary to each other, and not in conflict. JS said she had sent the draft Code developed by the working group to the VC and the Director of Planning, Governance & Compliance so they could decide how to proceed. JS clarified that the Staff Code of Conduct was currently on hold for the present but the University would let UCU know as and when things changed.

CC said the most important aspect of the Code was how matters should be dealt with when relatives were working together.

1. **Prevent Duty guidelines and training**

CC said that UCU were concerned that there had been work going on in the University around the Prevent Duty for some time, but the guidelines were not presented to UCU at the JNC.

JS said that the Freedom of Speech policy had been revised over the summer, and the draft was considered by University management in September. Comments were made on the draft and it was revised accordingly, and then JS sent the revised draft to UCU on the day she received it.

SS said that Prevent was a statutory duty that the University were legally obliged to respond to. CC said that the earlier such draft policies came to UCU the better.

JS said that the Freedom of Speech policy was only one aspect of what the University was required to do under the Prevent Duty. The University were also required by HEFCE to train members of staff in their responsibilities under the duty. HEFCE had commissioned some online training which had been issued in the summer. The University had already trained managers, front-line staff and those who came into contact with students in the residences. JS said that UCU would be sent the link to the online training. JS said that separately, the University were offering Unconscious Bias training to staff. The University were aiming to promote the Prevent Duty by fostering relationships between different groups, rather than marginalising certain groups.

**ACTION – SC to send UCU the link to the Prevent Duty online training and Unconscious Bias training**

1. **Reasonable Adjustments Panel and legal liability**

CC said that UCU members were concerned about being liable on a personal level under the Equality Act 2010 for decisions they had taken as part of the Reasonable Adjustments Panel.

JS said that under the Equality Act the University could be liable as an employer for the actions of its employees. However the University provided appropriate training to members of staff, so it would only be where an individual did not follow the employer’s policies that an Employment Tribunal could find an individual personally liable.

MM said that a Claimant could name an individual as well as the employer in a case, and this could make things more complicated.

JS suggested that she provide a written response to UCU on their concerns.

**ACTION – JS to send UCU a written response to their concerns about legal liability for members of the Reasonable Adjustments Panel.**

1. **Any other business**

CC said that with the growth in the number of staff at the University, UCU membership had grown and the UCU representatives were no longer able to carry out their duties with the 1 FTE of facility time allocated to them by the University. JS said that an increase in facility time was a matter that was being considered as part of the amendments to the Procedure Agreement.

JS said that this would be her last UCU JNC before she left the University, and thanked UCU for all the work they had done. SS thanked JS for the role she had played on the JNC during her time at the University.

1. **Date of next meeting**

Wednesday 15 February 2017 2pm

Sarah Cox

1 December 2016