

# UNIVERSITY OF YORK

## JOINT NEGOTIATION AND CONSULTATION COMMITTEE

### Minutes of the Meeting held on 31 October 2017

<b>Present:</b>	Frances Daly, Unison, Law, FD (Chair) Jo Horsburgh, Registrar and Secretary, JH Joss Ivory, Director of HR, JCI Jeremy Lindley, Director of Finance, JL Richard Armitage, Unite Chair, Physics, RA Bob Hide, Unite, Physics, BH Jenny Underhill, Unison Secretary, Security, JU Karen Harper, Unison, Health Sciences, KH Kym Done, Unison, Security, KD Joanna de Groot, UCU, History, JDG Jon Fanning, UCU, Management School, JF Ana Duarte, UCU Vice-president, Centre for Health Economics, AD David Huyssen, UCU, History, DH John Issitt, UCU, Education, JI
<b>In Attendance:</b>	Janet Haffegee, HR Partner, JEH Kate Slade, HR Adviser (Secretariat), KS Maria Ayaz, Head of Equality and Diversity, MA Gillian Hamilton, Pensions Manager, GH Alistair Knock, Acting Director of Corporate Planning, AK (for agenda item 5) Matthew Perry, Director of International Pathways College, MP (for agenda item 6) Durham Burt, Information Governance Officer, DB (for agenda item 7)
<b>Apologies:</b>	Paula Tunbridge, Deputy HR Director Stephen Talboys, Director of Estates and Campus Services Geoff Wall, UCU President, English and Related Literature James Cussens, UCU, Computer Science

#### 17-18/1    **Agenda Item 1 – Appointment of Chair**

Frances Daly, UNISON, was appointed as Chair for the meeting.

Union colleagues expressed concern that timings had been added to the agenda without consultation. JEH explained that these were purely indicative for practical purposes as there was a very full agenda and a number of guest speakers were attending. There was absolutely no intention to stifle debate.

It was agreed that, in future, indicative timings would be indicated to union representatives and that these could be flexed if more time was needed. Union members were asked to provide indicative timings when submitting items for consideration at future meetings and to nominate a contact point.

Union colleagues also expressed concern about classification of items on the agenda.

**Action** - Each Union to nominate a member as point of contact for agenda items.

Union members to provide indicative timings when submitting agenda items.

#### **17-18/2 Agenda Item 2 - Apologies**

Apologies were recorded as noted above.

#### **17-18/3 Agenda Item 3 - Approval of Minutes of the Last Meeting**

The minutes of the meeting held on 16 May 2017 were approved.

#### **17-18/4 Agenda Item 4 – Matters Arising**

##### HR Website update

The HR website has been updated to include a link on the home page for Trades Unions and employee relations.

##### Union meeting with Registrar and Secretary

Meetings are in the diary and are due to take place during November 2017.

##### Nominees for working group on Equal Pay action plan

The nomination for UNISON was confirmed as Frances Daly. UCU requested clarification on the remit of the working group before putting forward nominees.

##### Nomenclature of local VS arrangements.

It was agreed that the scheme would be called 'Severance by Agreement'.

**Action:** Amend scheme documentation and communicate to HR colleagues.

#### **17-18/5 Agenda Item 5 – Strategic Update**

The Registrar & Secretary reported on the following matters:

##### Campus Master plan

A set of initial options have been developed to create a broad framework for considering the campus master plan. Further communications and consultation is planned with the wider University community in the Spring term. Staff and students would have the opportunity to provide feedback on the proposed framework through that process.

##### Departmental Planning & Budgeting

The planning & budgeting process was being reviewed with the intention of simplifying the process to make it more efficient and effective. AK is working on this.

##### Online Learning

JH confirmed that the university was moving forward with developments in online

learning, in partnership with a third party provider. Concern regarding the use of third party providers was expressed by UCU, who queried why this work was not being generated within the HE sector. It was clarified that the third party partnership related solely to the marketing of the courses and that the development of the courses would remain under the academic control of the university.

UCU was concerned about the type of staff who would be used to deliver the courses and queried whether more junior staff would be employed to teach these modules. It was agreed that this would be picked up offline.

**Action** – HR to liaise with UCU (JF) to clarify and report back at next meeting.

#### Collaboration with other institutions

The VC & DVC&P have had discussions with other institutions to identify areas of mutual interest in research and teaching. Opportunities for collaborative research with Maastricht university have been identified.

#### Science and Innovation Audit

The University had worked with other universities on the science and innovation audit for the north of England. This had been published and the University was seeking to use it to attract investment in its bio-economy research. John Timmis was actively working on this.

#### Appointments

The Registrar and Secretary confirmed appointments made since the last JNCC meeting:

- Professor John Timmis had been appointed to Pro-Vice Chancellor for Knowledge Exchange and Partnerships;
- Dr Joss Ivory had been appointed to Director of Human Resources
- Professor Judith Buchanan had been appointed as Dean of the Faculty of Arts & Humanities.

#### Regulatory framework

JH confirmed that the Office for Students would come into being in April 2018. The University would be considering the implications of the proposed changes in the regulatory regime.

Following recent statements in the media, clarity from the Government on the proposed review of tuition fees was awaited.

AK provided the following updates:

#### Student recruitment

Numbers were broadly positive for the 2017/18 academic year, with targets being met and slightly exceeded for UGH, PGTO and PGR. PGTH exceeded target by 170.

#### NSS

The questionnaire had changed quite a bit with 3 new questions introduced in the last

round. Overall satisfaction was 88.4%, showing a slight decrease on last year.

#### TEF

The University was successful in achieving a silver rating, which was appealed on a number of criteria. Part of the appeal was upheld, but it did not change the overall outcome and the University remains at silver.

#### Financial Position

JL provided an update on the following:

- The University was in the process of finalising the accounts for 2016/17. A surplus of £20.7 m had been generated which represented 6% of income, the best result ever achieved and broadly in line with other Russell Group universities. £10 m was related to operational activity, e.g. tuition fees increases with another £10 m of one-off changes arising from changes in accounting standards and property divestment.
- £38m cash was available for investment and the University needed to build on this in order to invest in strategic priorities in research, teaching and improving the estate.
- Steps were also being taken to stabilise the balance sheet. Liquidity had increased from 47 to 74 days against a sector average of 135 but the asset/liability split was still not as strong against the sector.

Future risks were identified as follows:

- Future revenue streams arising from any potential Government review of tuition fees in particular
- Brexit
- USS – the national position with regard to the valuation
- Visas – Home Office policy on overseas students
- Interest rates
- The economy generally.

#### **17-18/6    Agenda Item 6 – International Pathway College**

Matthew Perry delivered a presentation about the International Pathway College, drawing members' attention to the following:

- IPC has been open for just over a year offering international students access to transformational education opportunities by delivering courses in academic content, language and study skills to foundation and Pre-Masters year students that would not normally be able to access York programmes;
- Students are guaranteed progression to a UoY course if they meet the progression criteria set by departments. Year 1 outcomes have shown that two thirds generally pass and progress;
- All teaching is carried out by UoY employed staff and IPC students are UoY students;
- There are six foundation programmes covering a broad spread of activities , Pre-Masters programmes and pre-sessional programmes of varying lengths;
- There are 2 and 3 term options and teaching continues into August;
- Many students come through agents. Parents are just as much customers as the students, so IPC also provides support for parents, within DPA guidelines;

- Income generated for the University [from course fees of IPC alumni](#) totals circa £13m.

UCU raised concerns that they believe staff within IPC had different terms and conditions and were not being treated in the same way as their academic colleagues with regards to the ability to work from home. They considered that this breached a commitment given by the previous Registrar and Secretary. They were also concerned about an absence of channels for collective discussion e.g. through the Board of Studies.

JEH clarified that there was a single set of terms and conditions for academic staff. The issue was about working practices, which were subject to the needs of the service and the role.

MP confirmed that IPC did have a BoS. It was solely a teaching department offering a very broad range of subjects. This required interaction between different disciplines and modules and the nature of the student group meant that it was appropriate for staff to be available to help and support students. MP explained that staff do work from home on a regular basis but were asked to check with their line manager before doing so.

It was agreed that this issue would be picked up outside the meeting with interested parties.

**Action:** HR to arrange a meeting with interested parties.

#### **17-18/7     Agenda Item 7 – GDPR update**

Durham Burt delivered a brief presentation on GDPR that had been circulated to members in advance. The following points were noted:

- Staff training will need to be considered, including whether the University implements a mandatory online training module on GDPR.
- That complying with the regulations would have resource implications. Union members suggested that the University would need to consider how staff would be impacted by the requirements and how to create capacity for staff to undertake this work. It was noted that the University did not want to make this burdensome for staff and intended to develop common policies and frameworks;
- DB confirmed he was part of a working group and welcomed any points members would like to feed in;
- Consideration was given to whether a SIG should be set up to discuss GDPR once there was a better understanding of the resource implications.
- JCI stated that a meeting would be arranged before the next JNCC if required.

**Action:** Members to provide any thoughts and comments to DB and Union colleagues to indicate if a SIG would be helpful.

#### **17-18/8     Agenda Item 8 – Equality Issues**

##### Gender Pay Gap reporting and Equal Pay Action Plan

JCI confirmed that since the last JNCC meeting, consultation on the equal pay report and draft action plan had taken place and the action plan had been discussed and approved by UEB. The action plan was much more robust than any previous action plan and incorporated the statutory requirements on gender pay reporting.

A group was being established to work on the delivery of the plan. JCI thanked FD for her nomination to the group and asked if anyone else wanted to be included.

AD was disappointed that an action plan was already in place to which the union had no input. JCI referred to the minutes from the last JNCC meeting where it stated that the unions had provided feedback as part of the consultation. AD believed this was a matter for negotiation not consultation.

JDG requested clarification on the remit of the working group. AD and JDG would attend only if outcomes from the group flowed into a negotiated action plan. JCI clarified that the action plan was not a matter for formal 'negotiation' but she was keen to work in partnership with the unions.

JDG referred to revised guidelines developed by UCEA on gender pay equality which would be launched in January 2018.

AD was disappointed that no response had been received regarding the suggestions made by the unions in a document regarding tackling the gender pay gap which was presented at the last JNCC meeting.

It was noted that any recommendations of the working group would be brought to the JNCC for endorsement.

**Actions**

- Helen Selvidge to confirm the remit of the working group to the unions.
- JCI to provide a response to the paper presented at the last JNCC meeting.

#### Equality Strategy update

MA updated members on progress to date. The Equality Strategy had been presented to Council in July and would be presented to the Equality, Diversity and Inclusion Committee on 2 November 2017 before it was officially launched. Over the summer, a plan had been developed around 4 objectives (people, culture, campus and teaching and research practices) and a workshop would take place on 02 November to collectively review and feed in further ideas to the action plan. James Lush from the Equality Challenge Unit would attend to provide an update on sector-wide equality priorities and to assist in facilitating the session.

MA welcomed any more ideas & feedback from members.

A copy of the action plan accompanies these minutes.

#### Athena SWAN update

MA confirmed that the University has 11 successful awards so far and the steering group was currently working through some complexities around the size of departments and resources required to support this initiative. She reported that the working groups set up in faculties seemed to be working well and had helped guide new departments into the process.

An institutional submission for renewal would be made in Nov 2018 and actions from the last action plan were currently being completed. MA was pleased that UEB had provided

additional resources to support the Athena SWAN work.

#### **17-18/9 Agenda Item 9 – Staff Survey Overview, Action Planning and Outcomes**

JCI noted a good response rate in relation to the staff survey. At University level 4 focus areas had been identified and endorsed by UEB as follows:-

- Wellbeing
- Employee voice
- Performance & career conversation
- Communication & change.

Work would shortly start on an action plan and JCI was keen to involve Trades Union members.

Trades Union representatives commented that there did not seem to be a consistent plan for sharing the free form comments and that departments were taking different approaches.

JEH explained that there was no expectation that these comments would be shared.

A copy of the slides that were to be presented accompany these minutes, along with a link to the results (below). The slides were developed by ORC and the 4 recommended focus areas have been endorsed by UEB.

<https://www.york.ac.uk/staff/working/survey/2017-results-and-actions/>

**Action:** JEH agreed to follow up with KH outside the meeting.

#### **17-18/10 Agenda Item 10 – Deduction of Contributions at Source (DOCAS)**

JEH updated members on proposed new legislation that would require the University to charge for providing this service. UCEA had agreed to work with the unions at national level to provide a framework to assist HEI's to facilitate compliance.

The University was awaiting the outcome of these discussions, which had not progressed because the regulations remained in draft. It was understood that the regulations would require employers to charge unions – rather than individual members – for using DOCAS on the basis of the number of members using the service.

JEH explained that this was not a position the University wished to adopt but it was required to comply with the law and would be looking to do so on a cost neutral basis. In the meantime, JEH advised the unions that they may wish to encourage members to start paying by direct debit.

#### **17-18/11 Agenda Item 11 – UCU, UNISON and Unite Agenda Items**

##### Negotiation of DOCAS Service Level Agreement

JU requested a separate meeting with branch and regional representatives to discuss the production of a service level agreement for DOCAS and the change in regulations.

JCI confirmed that there was no proposal to remove the DOCAS facility, but if under legislation, employers had to introduce a charge the University would try to make this as

easy as possible whilst ensuring we do not break the law. JCI also confirmed that any charge, if introduced, would be cost neutral.

JDG confirmed that UCU would also like to be involved in the meeting.

**Action** – JCI to set up a meeting for a month time.

#### USS Valuation

DH indicated that a consultative ballot had been undertaken by UCU which indicated strong support for industrial action in relation to USS. He asked if the University could provide any information about the employer consultation and any comments on whether members should be required to contribute more.

JL reported that the UEB wanted to be satisfied that the USS valuation basis was consistent with the regulator's view. USS had not provided confirmation of this so the University had declined to give a view until those assurances had been received.

JL explained that the issue of increased contributions from staff had not been considered, but commented that it had been agreed in 2014 that contribution rates could be increased on an established ratio. As there had been no debate about this since 2014, the University had not taken a view on it.

JL was aware that the defined benefit scheme had been a matter for difficult discussions at the last three valuations. The University did not currently have a view but were very concerned about inequity and intergenerational unfairness.

#### Performance & Development Review

AD raised the issue of confidentiality around the PDR process. Whilst UCU were reassured by Paula Tunbridge, regarding oversight being a measure to protect the reviewee from any perceived unfairness on the part of the reviewer, this was not covered in the documentation.

UCU were prepared to share some wording for the guidelines that would be acceptable to them, but until this was included, UCU could not say they supported the PDR process.

Feedback from the staff survey suggested that poor performance was not being addressed

JCI commented that the PDR process generated a lot of potential to motivate people and that a review would be undertaken of what was working well. With this in mind, JCI would like to engage colleagues to discuss further.

**Action** - UCU to send wording to JCI

- HR to set up a meeting with members and involved parties in the next 4-6 weeks

#### Centre for Lifelong Learning

This issue would be addressed outside the meeting.

Secretary's note: Following issues raised with Joan Concannon, Director of External Relations, a response had been sent to union colleagues on 27 October 2017.

**Action** – HR to follow up with UCU after the meeting.

#### **17-18/12 Agenda Item 12 – HR Update**

JCI explained that she had joined 6 weeks ago from Leeds City Council. Her approach was to work with union colleagues and assured them that her door was open for any planned and informal conversations and would welcome early warning of any issues.

##### Equality and Diversity Team

JCI reported that the Equality & Diversity team were to report directly to HR, to facilitate integrating and embedding inclusion into everything that we do. The team would still have a dual function and would continue to deal with students but would be closely related to HR.

##### National Pay Award

JCI reported that the national pay award had been applied from 01 August 2017 and had been implemented in the September payroll.

##### Nomenclature of academic staff

JCI reported that, following consultation, a report was taken to Senate in October on this topic. The decision taken was to keep the role of Reader and the voluntary adoption of hybrid/alternate titles of Assistant/Associate Professor was endorsed.

##### Strike Pay Deductions

In light of the Hartley case, consideration was being given to the rate of deduction for strike pay. The University calculates a days' pay in a number of circumstances, for example holiday pay for leavers and sick pay and there was no desire to use a different calculation depending on the circumstance. JCI said that a dialogue with the unions on this topic would be helpful at some point.

**Action** - To be carried forwards to the next meeting.

#### **17-18/13 Agenda Item 13 – Special Interest Group – Standing Item**

The Social Media Policy has been launched and a communication would be included in staff digest on 02 November 2017.

The Personal Relationships Policy is being presented to the Student Life Committee and then will progress onwards to UEB.

#### **17-18/14 Agenda Item 12 – Date of Next JNCC Meeting**

06<sup>th</sup> February 2018 at 2.00pm in H/G17

**17-18/15 Agenda Item 13 – Dates of future JNCC meetings**

15<sup>th</sup> May 2018 at 2.00pm in H/G17