

## **UNIVERSITY OF YORK**

### **JOINT NEGOTIATION AND CONSULTATION COMMITTEE**

#### **Minutes of the Meeting held on 15 May 2018**

##### **Present:**

Mr RM Armitage, Unite, Physics, RA (Chair)  
Dr JC Ivory, Director of HR, JCI  
Ms P Tunbridge, Deputy HR Director, PT  
Mr J Lindley, Director of Finance, JL  
Mr S Talboys, Director of Estates and Campus Services, ST  
Dr J Cussens, UCU, Computer Science, JC  
Dr JC de Groot, UCU, History, JDG  
Mr KP Done, UNISON, Security, KD  
Mr J Fanning, UCU, Management School, JF  
Ms SK Harper, UNISON, Health Sciences, KH  
Mr RJ Hide, Unite, Physics, BH  
Dr J Issitt, UCU, Education, JI  
Ms AC Stroughair, Physics, UNISON, AS  
Ms J Underhill, UNISON Secretary, Security, JU  
Professor G Wall, UCU President, English and Related Literature, GW

##### **In Attendance:**

Ms M Ayaz, Head of Equality and Diversity, MA, for 17-18/55  
Mr D Burt, Data Protection Office, DB, for 17-18/45  
Ms J Haffeggee, HR Partner, JEH  
Ms H Selvidge, Assistant Director of HR (Specialist Services), HS, for 17-18/53  
Ms KJ Slade, HR Adviser (Secretariat), KS  
Mr S Willis, Director of Student Recruitment & Admissions, SW, for 17-18/43

##### **Apologies:**

Registrar and Secretary, Ms JL Horsburgh, JH  
Ms FC Daly, UNISON, Law, FD  
Ms AI Duarte, UCU Vice-president, Centre for Health Economics, AD  
Dr DN Huyssen, UCU, History, DH  
Dr SMJ Minta, UCU, English and Related Literature, SM

#### **17-18/39    Agenda Item 1 – Appointment of Chair for this meeting**

Richard Armitage, Unite, was appointed as Chair.

#### **17-18/40    Agenda Item 2 - Apologies**

Apologies were recorded as noted above.

#### **17-18/41    Agenda Item 3 - Approval of Minutes of the Last Meeting**

The minutes of the meeting held on 03 February 2018 were approved.

#### **17-18/42    Agenda Item 4 – Matters Arising**

Matters arising from the meeting of 06 February 2018 :-

##### Strike pay withheld

*To confirm how much has been withheld at 1/260th and what this would have been had it been deducted as 1/365 for further consideration.*

Further to minute **17-18/22**, figures relating to strike pay withheld for the last 5 years were circulated with the agenda for this meeting.

UCU requested that the difference between the two calculations, of nearly £30k be repaid to members.

JEH advised that that the University had acted in good faith in withholding pay in accordance with policy and guidance applicable at the time. JCI confirmed that the University would investigate and respond to any individual claims from members.

UCU advised that this was a legal decision which should be applied retrospectively and that the onus should not be on the member to claim monies back. UCU would be seeking legal advice in this regard.

It was agreed that further dialogue about the withholding of strike pay would be taken out of the JNCC meeting.

##### **ACTION:**

- **To provide a response to the trade unions and for discussions to continue, if needed, outside JNCC - JCI**

##### Four week marking deadline

*UCU to raise their concerns to John Robinson, PVC Teaching, Learning and Students.*

UCU raised ongoing concerns about the four week marking deadline. It was noted that UCU had not yet raised their concerns with John Robinson as agreed at the previous meeting. It was agreed that HR would arrange a meeting with the unions and John Robinson to discuss this.

##### **ACTION:**

- **Arrange meeting with Unions and John Robinson - PT**

##### Online Learning – New programmes

*UCU to make contact with Tracy Lightfoot and John Robinson to discuss concerns.*

*JL to look into whether commercial arrangements with Academic Partnerships can be provided.*

UCU raised ongoing concerns about the arrangements for the online learning programme. It was noted that the unions had not yet made contact with Tracey Lightfoot and John Robinson to discuss these concerns. It was agreed that HR would

arrange a meeting with the Unions, John Robinson and Tracy Lightfoot.

JL advised that figures relating to commercial arrangements with Academic Partnerships could not be provided in detail as they were commercially sensitive, however he confirmed that the contract with Academic Partnerships was 5 years long and 50% of student fees went to Academic Partnerships.

JL also confirmed that control over all academic matters and decision making were restricted in their entirety to the University of York and decisions regarding online programmes were made through the normal University approval mechanisms.

**ACTION:**

**PT to arrange a meeting for the Trades Unions with John Robinson and Tracy Lightfoot to discuss concerns.**

Biorenewables Development Centre

*JEH to check the position regarding the BDC with Helen Foster (HR).*

JEH advised that Helen Foster was meeting regularly with Joe Ross, Director of the Biorenewables Development Centre. Some senior posts were to be recruited and the expectation was that, once recruited, they would review the ongoing requirements of the Centre. JEH advised that this was not with a view to cutting costs, but was about looking at how the centre could best be structured for the future.

UCU advised that members had raised concerns regarding possible changes to grades. It was noted that the structure needed to reflect the requirements of the service. The BDC had recently been successful in obtaining additional funding and any review was not driven by financial considerations.

Campus Masterplan

*ST to look into concerns raised about the disability impact process and report back to the next meeting.*

ST advised that feedback had been taken on board and a new role of Engagement Officer had been created and filled by Jo Hossell, who would be responsible for leading issues on disability access, sustainability, equality and diversity.

Deduction of Contribution at Source (DOCAS)

*JEH to confirm how the calculation for deductions has been derived.*

JEH advised that the regulations did not come into force as anticipated in March 2018 so members were not currently being charged for using DOCAS. The calculation had identified the charge as 0.88%, however, Payroll had subsequently advised JEH that there could potentially be efficiency gains.

JEH confirmed that she would liaise with the trade unions if and when it looked like the regulations were going to come into force and that the calculation of the charge would be reviewed at that point.

### Christmas Closure Dates

*HR to issue a communication to confirm closure days for 2018.*

Closure dates have now been published and in addition to the three usual closure dates, Monday 24 December 2018 will also be a closure day.

Unison requested that University Management consider whether one day extra holiday could be considered in light of this being enforced leave, reducing the amount of discretionary leave available to staff. This would be a goodwill gesture in the light of limited pay increases over the last few years.

PT advised that the current arrangements for closure days had been agreed with the trade unions as part of the negotiations about the current contract. The facility for a fourth closure day had been introduced to avoid staff being required to attend campus for a single day over the Christmas/New Year period depending upon when the Christmas and New Year breaks fall. It was understood that this was generally welcomed by staff.

UNISON's formal request was noted.

#### **ACTION:**

- **University Management to consider the request for an additional day of holiday for 2018/19 academic year due to the announcement of a fourth closure day (24 December 2018) - JCI**

### Mental Health First Aid Network

*HR to consider including details of the Mental Health First Aid Network in all HR letters to staff.*

JCI advised that it was not felt appropriate to put details in all standard letters due to the potential for its inclusion to be wrongly received. It was confirmed that as an alternative, a link to the University Health and Wellbeing web pages (below) would be provided, which would direct staff to a variety of support options, including the Mental Health First Contact Network.

<https://www.york.ac.uk/admin/hr/browse/health-and-well-being>

#### **ACTION:**

- **Review standard letters to include link to wellbeing web pages - HR**

## **17-18/43    Agenda Item 5 – Strategic Update**

### Office for Students

JCI read the following update on JH's behalf:

As colleagues will know the sector has a new Regulator, the Office for Students (OfS) which formally took over from the HEFCE in April this year, having published its final regulatory documents in late February after a consultation in the Autumn term. The sector has therefore had a very short window to prepare to "re-register" with the OfS. The OfS requires all providers to submit a series of documents and assurances in order to maintain their position on the Register of Providers. If an HEI is not on the

formal Register then it is not able to operate as a provider of Higher Education, irrespective of whether it's ability to award degrees is granted by Royal Charter or not.

The deadline to absorb the requirements for the new regulatory regimes and submit the necessary documents was very short – by the end of April 2018. There is now a series of “conditions of registration” both for initial registration and also ongoing registration (e.g. to maintain your position on the register). Much of the information the OfS required has read across from the annual reporting schedule to the HEFCE e.g. financial accounts, statutory returns. However there have been a number of new documents that institutions have been required to provide. These include a statement of governance which describes how the University meets the requirements of the regulatory code, such as through its governing instruments, committee structures etc. The University recently underwent its 5 yearly Assurance Review with the HEFCE which looked at these matters, so was well prepared for this. There was also the need to submit the Access and Participation plan with regard to widening access and progression: we know that the OfS intends to undertake a review of this area over the course of the coming year therefore further guidance on future requirements is expected for next year. Also new was a “Student Protection Plan” which is a high level set of principles the University would work to in the event a programme closed or substantially changed which was discussed at Student Life Committee and had input from the Student Unions. Finally, information was required about the University leadership and members of the Governing Body of the University.

Following a considerable amount of work, the University completed the submission on time and we await feedback from the OfS regarding its review of our submissions along with the rest of the sector. They have a considerable amount of work to do over the summer to review all of the sector's submissions, so it is likely we will hear later in the summer. We then have to ensure that we have the appropriate mechanisms in place to demonstrate our compliance with the ongoing conditions of registration, many of which read across from the current HEFCE requirements (some of which are still in force) so it will be a while before the new regulatory regime beds down.

#### Admissions update

Simon Willis (SW) attended the JNCC to update members on student admissions progress. SW advised that the overall national picture was a decrease in applications; the University of York picture was mixed:

Undergraduate Home (UGH) – applications were generally down by about 7%, with variability across departments. Firm acceptances were down 3% on last year. The expectation was that York would get to target over summer.

Undergraduate Overseas (UGO) – applications were up by 8%, with firm acceptances up by 14%. The outcome was forecast to be under target due to a larger target being set this year.

Post-graduate Teaching Home (PGTH) – applications were currently down by 3% with Brexit seemingly having quite an effect: EU applications were down by 8% and applications from the UK down 1%. The University is currently forecasting to get to reach the target.

Post-graduate Teaching Overseas (PGTO) – applications were up by 17%, offers up 4% but firm acceptances running slightly behind at 2%. The University is currently forecasting to get to reach the target.

Post-graduate Research Home (PGRH) – applications were down by 17%, with EU applications down by 28%, likely due to uncertainty over fees and funding arrangements following Brexit.

Post-graduate Research Overseas (PGRO) - applications were up by 5% and the University was now working offers through to acceptances.

Undergraduate Confirmation and Clearing will begin on Friday 10 August 2018 with departments involved from Monday 13th August. Confirmation and Clearing would be run in Computer Science this year due to better protection against power failure.

PG – working to get additional applications with open days in June and would continue with offer making. More scholarships this year. Beginning to look to 2019.

SW confirmed that the new look undergraduate prospectus was out now and work was underway on the new postgraduate prospectus.

GW asked for an update on lobbying or other work the University was bringing to bear regarding arrangements in place post Brexit. SW advised that UUK were lobbying and that the government up to now had not guaranteed home fees. The University was not able to communicate fees for EU students for 2019 and beyond until the government had made its decision.

#### MTP Update

JL advised that MTP was still in progress with no conclusion on the output from this planning process.

There was more uncertainty regarding future revenue streams this year than in many years, given that there would be no inflationary increase for undergraduate tuition fees, uncertainty of Brexit and the Post 18 Funding Review.

The Post-18 Review of Educational Funding included but was not restricted to Higher Education. Philip Augar was leading an independent panel undertaking the review and a report was expected post-Christmas. JL observed that the review did seem to be stressing technology and skills which raised questions about where Arts and Humanities would be represented. The Chair of the review is making positive signs that he understands the complications faced by universities.

USS presented particular uncertainties. The triggering of rule 76.4 would have a large and adverse impact on both USS members and the University's balance sheet and income and expenditure account. There was uncertainty regarding how this should be reflected in budget and how the University should respond to this potential large annual cash out flow.

#### **17-18/44    Agenda Item 6 – Finance Update**

JL provided an update on the following:

The latest forecast for Quarter 2 with an outturn of £5.1m for the year, which was an increase from £0.8m surplus predicted at the last JNCC meeting and an improvement

on deficit of 800k budgeted.

Now in Quarter 3, JL predicted that it would show a much higher outturn than for Quarter 2. He expected the surplus to be in excess of £10m for the end of year, with the only issue that could impact this being in relation to USS issue and the implementation of rule 76.4, which would result in a very large deficit.

#### **17-18/45    Agenda Item 7 - GDPR**

Durham Burt provided an update on the University preparations for the GDPR legislation coming into force on 25 May 2018. Alongside this the UK Data Protection Bill, currently in draft form, was expected to come into force on the same date. This date was very much the start of the work and it was not anticipated that the Information Commissioner would audit businesses immediately.

DB advised that the University had developed an online GDPR resource site which was regularly updated and was also running awareness sessions with key business areas across the University.

In response to a question regarding legacy department files for colleagues, DB advised that a retention schedule was being produced to provide guidance on such matters. It was anticipated that this would be approved in the next 3-6 months.

In response to a question about how the new legislation would impact on existing legal requirements, DB advised there would be no impact on existing legal requirements. The website would be clear if there was a new legal requirement, otherwise requirements would continue as is. DB advised that many aspects of the legislation remained as they were, and that it was more about tightening up existing practices.

JDG felt it would be helpful to highlight what had changed from current legislation so staff could see more easily the areas where they needed to do things differently. DB advised that the new website was clear about what had remained static, what had changed and practical steps for staff to take.

Website Link:

<https://www.york.ac.uk/records-management/dp/>

KH commented that, as the legislation applied to all staff, consideration should be given to including aspects in staff objectives as part of the PDR process.

#### **ACTIONS:**

- **Circulate slides with minutes – KS**
- **Give consideration to including GDPR as part of PDR objectives - HR**

#### **17-18/46    Agenda Item 8 – Facilities Time Agreement – UNISON**

UNISON raised this agenda item on behalf of all unions.

JU noted that the Facilities Time Agreement was last agreed in 2011. UNISON formally requested a review of the agreement and requested a sub-group be set up to look at how facilities time was allocated.

This request was in response to a huge increase in work throughout the year, to which UNISON advised they could provide supporting information.

UCU advised that they would like to be involved in any working group set up.

JCI confirmed a review of the current agreement for Facilities time would be considered.

**ACTION:**

- **To consider the current agreement for Facilities time - HR.**

**17-18/47     Agenda Item 9 – Election of Support Staff to University Council – Unite**

BH noted that earlier this year a member of support staff elected to University Council stepped down from that role. BH had been advised by Philip Evans that in this circumstance the person who received the second highest number of votes in the previous election would step into the role not only for the remainder of the term but for the following term too. BH wanted to understand why it was the case that they automatically served a second term without reference to a further election.

JEH advised that HR had been in touch with Philip Evans, University Governance Officer, who advised that initially this had been the understanding, however he had now confirmed that the term of office would only be for the unexpired portion of the period of office of the predecessor, which was until 31 July 2018. BH was also interested to understand why election results were not published in full – in terms of the number of votes each candidate received. It was noted that University Council matters were not for this forum and that Philip Evans would be asked to respond on this question.

**ACTION:**

- **Ask Philip Evans to respond to BH regarding publication of election results - HR.**

**17-18/48     Agenda Item 10 – University Policy on requirement for staff to report voluntary work - UCU**

JC advised that this item was raised by a UCU member in Information Services (IS) regarding an email which had been sent to Information Services staff asking them to notify their manager if they were engaged in any external work which was paid or unpaid.

Staff in IS were advised to notify their manager if they were undertaking regular voluntary work and gave the example of working for the Samaritans. UCU advised that there was no issue with understanding external commitments where there could be a conflict of interest, however they were concerned that by asking about voluntary work this could be seen to be moving in the direction of a surveillance culture and that the IS department was seeking to manage collectively what should be an individual matter.

JEH advised that the email had been issued in response to specific issues in the department. She added that if a staff member was carrying out a lot of charitable hours, this could have an impact on work so was of interest to management. The



intention of the email was to clarify the requirements on individuals, with the concern around volunteering being more about regular hours impacting on work for the University, rather than where the volunteering was taking place.

**ACTIONS:**

- **Temporary Working Group on Terms and Conditions to review contractual wording relating to outside interests - JEH/PT**
- **Raise this matter with Information Services – JH/KS**

**17-18/49    Agenda Item 11 – Gender pay inequity - UCU**

This agenda item was deferred until later in the agenda (Item 16 below).

**17-18/50    Agenda Item 12 – Performance Review - UCU**

UCU reported they were encouraged to see work in progress regarding confidentiality of the performance review process and hoped to see a positive outcome on that.

JCI confirmed that staff feedback meetings had taken place, from which the feedback was positive and staff had also provided feedback online.

JCI confirmed that the consultation did not officially finish until the meeting with trade union colleagues, which was due to take place on 23 May when feedback from staff would be shared.

**17-18/51    Agenda Item 13 – Centre for English Language Teaching (CELT) issues - UCU**

UCU raised concerns about possible changes pending in CELT. Members were advised that a meeting with all staff in CELT was to take place on Thursday 17 May 2018. UNITE confirmed that they had been invited to this meeting.

**17-18/52    Agenda Item 14 – International Pathways College (IPC) – UCU**

UCU again raised concerns from staff in IPC asserting that they were not getting the same contractual rights as other staff with regards to working from home. Practices were not being applied consistently which they felt was inequitable.

UCU advised that the matters were not individual grievances, but collective anxiety and demoralisation so should be addressed as a staff management issue. It was noted that a meeting had previously taken place with Matthew Perry, Director of the International Pathways College, but that a further meeting should now be arranged.

UCU also raised concerns regarding admissions criteria, with a suggestion that large number of failures are seen for some students coming through Kaplan which were not acceptable by university standards.

JL advised that the University checked that students were not admitted to IPC courses who did not meet the criteria and that students were not admitted to undergraduate or postgraduate courses where they did not meet the requirements

set by academic departments.

He advised that with regards to IPC admissions there had been a specific cohort of students whose qualifications appeared at some odds with their ability to contribute. This matter had been thoroughly considered and appropriate support offered. Other than this case, JL was not aware of any other specific cases, but advised members that the University would investigate any they were made aware of very seriously.

It was agreed that these issues relating to the IPC would be discussed with John Robinson, Chair of the IPC Board, with trade union representatives and PT present, following which those attendees could formally report back to the next JNCC meeting.

**ACTION:**

- **Meeting set up with John Robinson to discuss IPC, alongside issues relating to online learning and the 4 week marking deadline - PT**

JC left meeting at 15.45.

**17-18/53    Agenda Item 16 - Standing Item - Equality Issues**

Helen Selvidge (HS) reported that the University's Statutory Gender Pay Gap Report had been published prior to the deadline of 31 March 2018. Members can view all the reports submitted by other employers by following the link:

<https://gender-pay-gap.service.gov.uk/>

A requirement of the report was that it be based on data from 31 March 2017 and prescribed that information must be expressed in a particular way, hence the use of terminology such as "bonuses". The report highlighted the following:

- women did not progress to senior roles;
- the lowest grade roles were held by women, highlighting occupational segregation; and
- The addition of casual workers to the figures made a negligible difference to the reported gap, which confirmed that there was not a disproportionate number of males or females in casual work.

In response to a question about who had been included in the report, HS advised that anyone receiving a payment for work at the University on 31 March 2017 had been included. This included those individuals on open, fixed term and temporary contracts, including those on casual engagements.

HS confirmed that use would be made of the work done by Trade Unions in 2013 on how to carry out a gender pay audit.

UCU requested that the trade unions work together with HR on developing action plans. UCU also advised that they were in the advanced stages of preparing a claim on the gender pay gap which they anticipated lodging with the University in the Summer or Autumn.

UCU added that similar claims had now been submitted to 40 other institutions and if University colleagues were interested in seeing details of these claims they could be forwarded on.

**ACTION:**

- **To send information to JCI about the other institutions that are involved - JDG.**

**17-18/54    Agenda Item 15 - Statement of main terms and conditions**

PT reported that a temporary working group had been set up to review the Statement of Main Terms and Conditions of Employment for all staff which were last reviewed in 2012. The review was set up in light of key legislative changes, including the General Data Protection Regulations and changes to the treatment of termination payments and pay in lieu of notice.

PT noted the group had met and had made some progress. There was still some uncertainty around GDPR implications, but the group had come to an agreement on wording for the National Minimum Wage and basic hours. The group is continuing to meet.

JF left the meeting at 15.50

**17-18/55    Agenda Item 16 (continued) Equality update**

Athena SWAN

MA reported that the University was seeing more Athena SWAN successes. History, Politics and Centre for Health Economics received bronze awards and Archaeology, Theatre, Film and Television, Education and English were submitting for bronze awards that week, but would not find out the result until November 2018. It was reported that if successful, they would bring the total number of awards to 16.

MA advised that the introduction last year of an internal assurance process to review the quality of applications before submissions was assisting in the achievement of positive outcomes, with all submissions receiving at least the (minimum) Bronze award. It was also noted that there is an impact on the work of departments to prepare and submit to Athena SWAN. MA confirmed that Equality and Diversity office were just about to recruit for a temporary data officer to help departments prepare data for submissions.

At a University level, a draft application and action plan were being developed. MA reported they were on track to submit for that award. A number of beacon activities were in progress.

Equality and Diversity Strategy

MA reported that the strategy had been launched and that they were engaging all staff and students with the strategy by running roadshows. To date 30+ roadshows had been organised across academic and professional services departments.

The draft action plan had been shared following the last meeting and since then there had been further consultation activity around the 4 year plan. MA advised she was happy to share the latest draft action plan.

**ACTION:**

- **Circulate the Equality and Diversity Strategy Action plan with minutes - KS**

JEH and JDG left the meeting at 16.00

**17-18/56    Agenda Item 17 – HR Update**

Industrial Action

JCI noted that since the last meeting Industrial Action had taken place and thanked colleagues for the manner in which it was carried out.

National Pay Award

JCI confirmed that discussions had now concluded and a final offer was made of 2% rising to 2.8% for lower paid staff or a lump sum of £400. This would be communicated in Staff Digest.

Facilities Time Reporting

JCI noted the requirement to publish University data by the end of July 2018. The data required to be published was similar to the gender pay gap report in that there were very clear requirements and definitions which could not be varied by the University.

JCI confirmed that JEH would be in touch about the allocation of facilities time for the following year.

In response to a question from UCU, JCI confirmed that increased membership over the last few months would be factored into the allocation of facilities time for the forthcoming academic year.

**17-18/57    Agenda Item 18 - Special Interest Group – Standing Item**

**Policies**

PT advised that policies regarding Animals (Pets) in the Workplace and Children and Young people in the Workplace were discussed at the last SIG. This would be considered further by the SIG.

**Pensions**

PT advised that a Special Interest Group for the University of York pension scheme had been established and held their first meeting on 27 February 2018. Minutes of this meeting to be circulated with JNCC minutes.

KH raised concerns about the length of time it was taking for staff to get the information they need about their UoY pension, particularly when they were making life-changing decisions. AS advised that it was currently taking 8 weeks. JCI advised

she would raise this matter with the Pensions Team.

**ACTIONS:**

- **Circulate minutes for the UoY Scheme SIG meeting - KS**
- **Clarify with the Pensions Manager about the time taken to provide quotes to UoY members - JCI**

**17-18/58    Agenda Item 19 - Date of Next JNCC Meeting**

30 October 2018 at 2.00pm in H/G17; Management to Chair

GW asked if a range of dates could be provided for future JNCC meetings due to timetabling constraints. PT advised that the JNCC meetings were formal meetings and formed part of the whole university calendar. She confirmed dates were already shared with Walter van Opstal and his team.

**ACTION:**

- **Clarify arrangements with timetabling regarding potential timetable clashes - HR.**

**Secretaries note:**

Dates of future JNCC Meetings:

05 February 2019 at 2.00pm in H/G17

14 May 2019 at 2.00pm in H/G17