

Communications with branch members.

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**From:** NTU UCU  
**Sent:** Fri 01/08/2008 17:10  
**To:** listall@ntuucu.org.uk  
**Subject:** Response to eNews

### **Response to eNews**

**The majority of full-time academic staff at Nottingham Trent hold membership of UCU and it is clear from the recent local ballot (details below) that UCU members want their union to be recognised by this university and that they are prepared to take steps to see that this happens.**

**Over 5,000 people have now offered their endorsement of such a position by signing an online petition addressed to the Nottingham Trent Board of Governors.**

**No other UK university is seeking to terminate its recognition agreement with UCU. At other universities employees are able to enjoy the benefits to be derived from collective bargaining and being a member of a trade union.**

**The repeated reference by the University to information and consultation is a red herring. UCU has campaigned since its inception for broadening the field of consultation at NTU e.g. in respect of the Board of Governors. There is of course an objection that any such representatives should be screened out on the basis that they hold trade union membership.**

**The Nottingham Trent University has stated that the Recognition Agreement that it has with UCU will terminate on 30<sup>th</sup> September 2008. The University is not even prepared to honour the notice period for termination provided for in the agreement.**

**In the meantime the University has stated that it will not pre agree any time for UCU employee representatives to participate in activities such as health and safety work, national framework appeals, representing colleagues at disciplinary proceedings and a seemingly endless array of work on behalf of colleagues at Nottingham Trent.**

**During the past academic year several branch officers participated in the national framework negotiations at Nottingham Trent without one single hour of additional time being allocated by the employer for such work i.e. all meetings and other activities took place in each officer's own time. This is despite the fact that there was a national commitment by the employers' association for partnership working and most if not**

**all other universities interpreted this as including supporting local representatives to participate in the negotiating process.**

**Inevitably, there is a limit to what can be done without the cooperation of the employer and local branch officers are already more than struggling to keep pace with the assistance required by colleagues at this University.**

**The Nottingham Trent University, whether by accident or by design, is preventing its employees from having the assistance that other UK university employers regard as a civilised part of staff relations.**

**In many areas this University is equal to or above the very best in the sector. We have academic and academic related staff who are second to none. These staff deserve to be accorded the protection and representation that goes with a civilised standard of employer / employee conduct.**

**It is good to hear that the University is now willing to participate in talks with ACAS and a response will be going to the University on this matter. UCU has always been prepared to go an extra mile down the road of conciliation. However, this is not a road that goes on forever and branch members should not lessen their resolve on this issue.**

#### **NTU Recognition Dispute - National Reaction.**

**The local branch at Nottingham Trent has received several hundred messages of support from academics, politicians and other persons. The first batch of these messages can be viewed at:**

**<http://www.ntuucu.org.uk/LS01.pdf>**

**We are aware that a number of individuals have taken matters up directly with the Vice Chancellor's Office at Nottingham Trent. Example of questions being raised with response at:**

**<http://www.ntuucu.org.uk/NTUemails.pdf>**

**Several thousand people have now called upon the Nottingham Trent University Board of Governors to use their good office to see that NTU honours the Recognition Agreement it has with UCU and acts in good faith. The first five thousand signatures, obtained within a few days of a petition going online, can now be viewed at.**

**<https://www.ucu.org.uk/index.cfm?articleid=3415>**

The issue has been covered in the national media. e.g. *Times Higher* Article at:

<http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=402846>

### **NTU Recognition Dispute – Local Branch Reaction.**

**Consultative Ballot Result - Percentage of votes.**

**Greylisting**

**91% Yes / 9% No**

**Industrial Action Ballot**

**84% Yes / 16% No**

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### **Local Consultative Ballot.**

The Nottingham Trent University has stated that it will be terminating the Recognition Agreement that it has with UCU. It is by means of this agreement that academic staff covered by local and national collective bargaining benefit from agreements reached with UCU. The ending of this agreement without any willingness on the part of the Nottingham Trent University to reach agreement on an acceptable replacement is likely to have a very serious and long term detrimental impact on staff terms and conditions of employment.

UCU has notified the Nottingham Trent University that it is in dispute with the University over the action being taken. The agreed disputes procedure (which is to be found in the current Recognition Agreement) requires that the status quo on agreements be maintained until such time as the disputes procedure has been exhausted.

We are in essence urging the Nottingham Trent University to honour the current agreement in accordance with its terms and to act within the standard of conduct found at all other UK universities. If the University wishes to negotiate a change to the current agreement it is invited to come to the negotiating table and negotiate such change in good faith.

In the event that the Nottingham Trent University refuses to take such steps members have called upon UCU to consider the

following actions in response. In order to measure whether branch members would wish to support the stated action the branch committee, acting on national advice, has agreed that members should be invited to participate in a consultative ballot. Members are strongly encouraged to state their view and all responses will be respected. Whilst this consultative email ballot is not a secret ballot all replies will, from the point of receipt, remain confidential to UCU. You are welcome to send your response from a non NTU email address.

**Greylisting.**

With greylisting UCU would be asking colleagues in the union, other trade unions (including those unions in the school and college education sector), and the wider international academic community to support employees at the Nottingham Trent University by engaging in a voluntary boycott of academic and other university activities where appropriate. It would not involve asking any individual or organisation to break any contractual commitment with the Nottingham Trent University.

Do you wish UCU to organise a greylisting of the Nottingham Trent University? Please respond with Yes or NO in the subject line and email [grey@ntuucu.org.uk](mailto:grey@ntuucu.org.uk)

**Industrial Action.**

The taking of industrial action requires that a formal ballot of members be conducted. The purpose of this consultative ballot is to help determine whether members want a formal industrial action ballot to be conducted. The form of any industrial action will have to be determined at a later date but it is anticipated that such action, if endorsed, would most likely take the form of a targeted one day strike in October 2008 accompanied with a rally in Nottingham of UCU and other trade union members from across the UK. This action would be followed by further targeted strike action if and as appropriate.

Do you wish UCU to organise an industrial action ballot of members at the Nottingham Trent University? Please respond with Yes or NO in the subject line and email [iab@ntuucu.org.uk](mailto:iab@ntuucu.org.uk)

[www.ntuucu.org.uk](http://www.ntuucu.org.uk)

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## **1. NTU Recognition Dispute.**

The local UCU branch at Nottingham Trent continues to receive messages and pledges of support by the shed load regarding the action taken against the branch by the Nottingham Trent University management. Another batch of such letters, just in, can be viewed from the link below. This batch starts off with a letter sent on behalf of and made available to 65,000 academics at more than 120 universities and colleges across Canada. The letter focuses directly on the issue of management style and the conduct of industrial relations. This is an issue worth exploring further.

At the time of the 2006 pay dispute a contrast was made in the UK media between the senior management style of different universities and the approach taken towards staff and trade unions. A Guardian article (linked below) contained the following comment. One "approach sees trade unions as interlopers, struggles with any form of academic governance, collegiality or consensus, and prioritises at all costs the right to manage." The article goes on to name three universities where it was felt that this approach was being taken. A contrast is then made with the approach taken in the majority of universities where it was felt that senior managers valued joint working with staff trade unions, respected their staff and engaged in an approach that was more pragmatic. We know that this enlightened approach remains evident today. Indeed, whilst no individual has so far felt able to speak out publically on the matter, branch officers are aware of off-record briefings from more than one university vice chancellor at other institutions expressing surprise at the steps being taken against UCU at Nottingham Trent and the ending of the trade union recognition agreement.

A university management has a right to manage but it also has an obligation to realise that the relationship that an employer has with its employees is one based on agreement. Trust and confidence that agreements will be honoured are essential components to this relationship. In a recent eNews (7/7/08) the University stated that it had been "advised" that the giving of three months notice of termination (on a recognition agreement that specified nine months notice) was "reasonable". The recognition agreement is a collective agreement that had been entered into in good faith and signed in the name of the Vice Chancellor. The Academic contract contains an incorporation clause for collective agreements. Who would "advise" a university to end such an agreement outside of its terms? Who would consider this to be a "reasonable" approach? The best advice that the Nottingham Trent University could be getting at this time is to work with staff and with staff representatives to help ensure that this University achieves the success and standing it rightly deserves. Honoring agreements reached is an important first step towards such partnership working.

Acting with common sense and pragmatism is a further important step. During the 2006 industrial dispute one law firm hit the headlines after it proffered advice on a course of action that most universities felt would only serve to escalate the dispute and further damage staff relations. (see Times Higher article 17/3/06 – "Memo Targets Boycott Staff") Whilst a number of universities threatened to dock the pay of staff during the dispute the Times Higher article reports that one named university in the East Midlands "stood alone in threatening to stop pay altogether." In the letter giving notice of

termination of the recognition agreement the Nottingham Trent University has stated that "no pre-agreed time off will be allocated for the year 2008-2009." Colleagues may be wondering what this means. At the moment time is pre-agreed into workload plans so that trade union representatives can engage in, for example, health and safety duties without, at the same time, disrupting teaching activities and the work of other colleagues by having to seek local ad-hoc arrangements on workloads during the year. With timetables now being finalised, the University is ensuring, whether by accident or by design that, even if the University reconsiders its decision to terminate the agreement to recognise UCU, even if the current dispute embarked on against UCU is settled, it will be impossible for local representatives to carry out their duties this coming academic year without disruption to the workload arrangements of academic teams. Of course it is possible for a university to make working arrangements difficult for staff representatives but what is to be gained by this? Our students do not gain, health and safety standards are not enhanced and employees are not accorded the assistance that is due to them in a civilised working environment.

As UCU General Secretary Sally Hunt has made clear in her recent letter to the Nottingham Trent University "Higher Education Institutions have a tradition of resolving differences through negotiation and tolerance, no matter how difficult that process may be; unilateral imposition will not resolve anything, it merely sets up problems for the future" As Sally has said, now is the time for the Nottingham Trent University "to engage and try to reach agreement."

Link to Messages in Support  
<http://www.ntuucu.org.uk/LS02.pdf>

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**From:** NTU UCU  
**Sent:** Sun 06/07/2008 10:03  
**To:** listall@ntuucu.org.uk  
**Subject:** Recognition of Your Union

**Nottingham Trent University - Trade Union Recognition Agreement.**

**On Friday, July 4<sup>th</sup> 2008 Nottingham Trent University management formally stated that they would be terminating the University's Recognition Agreement with UCU.**

**Over 80% of full-time academic staff are members of the NTU UCU branch – it is one of the largest branches in the sector.**

**The Nottingham Trent University accepts that the current agreement signed in the name of the Vice Chancellor provides**

for nine months notice of termination to be given but UCU has been informed by the NTU Director of Human Resources that the University will not be honouring this provision.

A recent NTU eNews sought to give an account of UCU's position on University proposals regarding the setting up of an "Information and Consultation Forum" (ICF) and the granting of time off for trade union duties. It failed to draw attention to a number of important points.

The NTU management proposals, which UCU has been unwilling to sign up to, pay little or no regard to the fact that UCU is an independent trade union. The proposals include:

1. The setting of an "Information and Consultation Forum" on which a significant number of representatives would have to declare that they do not belong to any trade union. Future recognition arrangements for UCU would be considered by this body.
2. Union representatives would have to be elected from internal constituencies stipulated by management. The union's rules currently allow members to elect their own representatives in accordance with the rules of the union.
3. Time allowed for trade union work would be cut by around 75% to 80% - (in effect time for trade union duties would be restricted to just a few meetings with management.)
4. For collective bargaining (with a severely restricted scope of issues) the 3 unions on campus would have to decide on one lead spokesperson to represent all of them i.e. UCU would have no independent voice in negotiations to even raise matters of importance in respect of academic and academic related staff.

On trade union hours the "norm for the sector" quoted by the University in the eNews is not far short of the figure requested by UCU but is significantly above what the Nottingham Trent University is willing to provide. The eNews also failed to mention that the figure quoted by the University as currently being available for trade union duties has never actually been provided by the University.

Despite months of difficult negotiations where UCU full-time officials and branch officers have made numerous concessions to the University's position NTU management has refused to move one inch on their proposals.

There will be a committee meeting at 9.30 am on Monday 6<sup>th</sup> July 2008 to look at the situation (all representatives and contacts including those who have acted as contact / liaison

reps across NTU are invited to attend) Venue details from [mail@ntuucu.org.uk](mailto:mail@ntuucu.org.uk) or from any branch committee member.

Members should anticipate that a meeting of the wider UCU membership will be called in the next few days.

[www.ntuucu.org.uk](http://www.ntuucu.org.uk)