

By Email: pcox@novus.ac.uk

Peter Cox
Managing Director
NOVUS
Whitworth House,
Ashton Old Road,
Openshaw, Manchester
M11 2WH

31 March 2021

Dear Peter,

I write in response to your recent letter setting out NOVUS's position on matters which are in dispute between UCU and NOVUS. This letter is an open letter that will be shared with UCU members.

There are a number of points in your letter that I must challenge.

It is the case that you have refused to meet several of UCU's representatives to discuss Health and Safety issues nationally. This was stated clearly to all NOVUS staff in the LTE Group CEO's memo on 11 February. You will also be aware that one of the elements of UCU's trade dispute with NOVUS relates to allegations made against UCU representatives. We have asked that you immediately and unconditionally withdraw the allegations and commit to take no punitive action against UCU representatives in relation to the allegations. To date you have failed to withdraw the allegations or give the required assurance and we therefore remain in dispute on these matters together with those communicated to you on 29 January.

I must also challenge how meaningful your recent offer to meet with any UCU representatives to discuss Health and Safety issues is, whilst you refuse to give assurances that no punitive action will be taken against those UCU representatives. The effect of which is to create a climate of fear for trade union representatives that restricts their ability to speak freely on behalf of UCU members' Health and Safety. UCU does not regard an offer to consult over Health and Safety matters under those circumstances to be made in what we could regard as good faith.

Nonetheless, and as you will know, UCU representatives are continuing to meet at local levels to discuss H&S issues of concern and we maintain our dialogue with the HMPPS on H&S matters when we feel the need to escalate issues. Obviously, it would be preferable to be having national

discussions directly between UCU and NOVUS as soon as possible within a resolution of all of the matters in dispute.

The information that NOVUS have shared with UCU about allegations allegedly made against UCU representatives and staff are anonymous and unsubstantiated. No evidence has been provided to show any of the allegations are from UCU members.

For clarity I will reiterate UCU's position from my letter to you of 9 March:

- UCU does not endorse or recommend its representatives visit people's homes in the conduct of their UCU role and even more so in the context of the Covid-19 Pandemic.
- UCU campaigns against any form of intimidation in the workplace and so does not endorse or support any such behaviour by a UCU representative or anyone else in or outside the workplace.
- Anyone conducting the telephone calls described in one of the statements provided can in no way be regarded as acting in the name of UCU. UCU would never endorse or sanction such behaviour and would take swift action to prevent any such behaviour being conducted in UCU's name.
- UCU does not endorse or approve a culture of reprisals in or outside the workplace.

I can assure you that any complaint made formally by a UCU member about behaviours described in the anonymous statements would be treated with the utmost seriousness and urgency. If anyone were to claim to behave in such ways in UCU's name, we would take appropriate action under our own internal procedures to robustly deal with this.

Again, I note that despite the anonymous claims made, no further action has been taken by the police, that you as the employer and us as the union have been made aware of. We have had no contact from the police. This raises the possibility the claims are either regarded by the police as not serious or the claims are simply untrue and no reports to the police have occurred.

NOVUS/LTE Group's repeated suggestion that police have been involved in allegations against UCU NOVUS representatives cannot be substantiated or sustained and undermines trust and confidence in our relationships. Allegations made anonymously must be treated with extreme caution particularly in the context of those working in the prison estate.

NOVUS repeated suggestion that police have been involved in complaints against UCU representatives and the inference that UCU representatives are behaving unlawfully is entirely unacceptable. **I ask you to confirm that you will no longer make references to, anonymous and unsubstantiated, claims of police involvement or make any inferences to unlawful behaviour by UCU representatives?**

You also mention the matters of GDPR previously raised by UCU in relation to the recording of a private trade union meeting and the unlawful processing of that data and matters that UCU have raised in relation to an attempt by NOVUS staff to impersonate UCU on social media. We have evidence to support our claims and would be willing to engage with an independent investigation of these, however there are more fundamental issues of dispute that we should focus on urgently.

I am aware allegations made against UCU representatives are anonymous and that NOVUS, like UCU, cannot formally investigate and progress anonymous allegations. I am also aware that you continue to conduct “investigations” in relation to these matters. I understand you are enquiring if those who have made anonymous allegations are prepared to step forward and make formal their complaints. It is not clear to UCU what legitimate process of investigation you are conducting within our agreed policies or if you are acting outside of those?

Whatever the case about any of the allegations that have been made, there needs to be an explanation from NOVUS as the employer about what investigations you are making and under what procedures and if they are agreed or outside of any agreed procedures? Agreed or otherwise there must be a line drawn under any procedures or investigations that you are conducting at some point in order to resolve the dispute. We will not accept the threat of punitive action being taken against UCU representatives off the back of these allegations remaining in place.

Therefore, and finally, in the spirit seeking to resolve this dispute and move on, I can confirm that UCU have during this dispute already offered to meet with you with the assistance of ACAS and that I have now been in contact with ACAS. **I would welcome your commitment and confirmation that you will allow ACAS to assist us to work together to resolve this dispute as soon as possible?**

Best regards,

A handwritten signature in black ink, appearing to read 'Andrew Harden', written in a cursive style.

Andrew Harden
Head of Further Education
University and College Union