

Meeting with ACAS 10 June 2024, UCU management proposals

WITHOUT PREJUDICE

Issues covered:

- Branch concerns regarding the treatment of Black members of staff
- Industrial relation and organisational culture
- Hybrid working (return to office)/Working from home agreement/policy
- Union membership amongst UCU staff
- Agreeing a gender identity policy

1. Branch concerns regarding the treatment of Black members of staff

On Friday 31 May, SMT wrote to Unite to outline a plan for “a robust and comprehensive examination of the experiences of both Black staff and Black members at UCU. We are committed to working collaboratively with both the staff unions and the BMSC, to ensure that both members and staff can have confidence in how the review is constructed and conducted, as well as – importantly – how the recommendations will be taken on board”.

The communication indicated that the information set-out (see Annex below) was presented “as the basis for further engagement.” Unite have since responded to confirm their availability for a meeting on 20 June and providing some useful feedback. We have also received a response from the BMSC noting their availability on this date so we will get this set up and confirmed to all parties ASAP this week.

In relation to the outstanding disciplinary investigation involving a Black member of staff, in response to Unite claims of a compromised process and differential treatment, UCU management are referring the process for an independent review of the handling of this case and the relevant comparator complaint (appropriately anonymised through redaction). Findings of the independent assessment will be shared with Unite.

2. Industrial relations and organisational culture

Industrial relations

Both parties accept the need to improve industrial relations as a matter of priority.

It is agreed that both parties will seek assistance from ACAS to improve the current relationship by tackling:

- Perceptions of the current relationship and the breakdown in trust
- Ways of improving the process of joint dialogue

Organisational culture

Alongside the work to improve industrial relations, it is acknowledged that there is a need to address concerns raised by Unite members about the wider organisational culture within UCU.

Both parties acknowledge that the current relationship between SMT and Unite is having a detrimental impact on how UCU is perceived as an organisation. It is also acknowledged that while many staff teams in the organisation are functioning well, some teams are reporting discontent and unhappiness.

Both parties recognise a joint responsibility to promote a positive workplace culture; one seeking to establish common values; and one that will benefit both UCU as a trade union established to promote

and protect the interests of tertiary education sector workers, and those who are working for UCU as an employer.

In addition to work already underway (e.g. all-staff meetings, management training, OSRA implementation) work is required to reach a shared understanding of organisational culture and agree approaches to cultural change as required.

It is agreed to seek assistance from ACAS to conduct a joint exploration of the current organisational culture within UCU, and to consider any action that may be necessary as a result.

SMT commit to this piece of work. Accepting that this requires further discussion in relation to the practicalities of resource constraints, such as ACAS availability, we would hope to be able to coordinate the first meeting to discuss these issues by July 2024 and conclude the work with an agreed action plan by the end of 2024.

3. Hybrid working / Working from home agreement/policy

- Unite recognise that it is a legitimate policy for the organisation to re-open UCU offices fully and for staff to regularly attend their office base.
- The SMT welcomes Unite's clarification that they do not have a 'no return to office' position.

Both parties agree the following:

- SMT will undertake an Equality Impact Assessment of the process of office reopening.
- To enter a period of intense negotiation with the aim of reaching agreement over a *Hybrid working / Working from Home* policy. Both parties agree to use their best endeavours to conclude these discussions as soon as possible.
- This process of negotiation and consultation will seek to reach agreement on a fair approach to the allocation of London Weighting to relevant posts. For example, it is accepted that it would be unfair for a member of staff to live outside London, not come into the Carlow Street office but, because their post is designated as based at that office, receive London Weighting.
- The process of negotiation and consultation shall also seek to provide additional assurance on means to ensure a consistent approach across the organisation (for example: the sharing of information with Unite representatives)
- That the current recognition agreement has the facility for different outcomes from discussion. These include:
 - A collective agreement to be expressly incorporated as terms of the contract of employment of some or all UCU employees
 - A collective agreement directly relevant to the terms of the contract of employment
 - Policies which are relevant to the terms of the contract of employment.

4. Union membership amongst UCU staff

Both parties recognise the ongoing issue concerning union representation of a group of H-grade staff.

The parties agree to write to the TUC or ACAS, as a matter of urgency, to seek their assistance in resolving the issue through mediation. SMT acknowledges that this does not restrict Unite pursuing any case through the TUC disputes procedures.

5. Agreeing a Gender Identity policy

UCU management is fully committed to establishing a gender identity policy; regrettable delays in implementation have been entirely linked to capacity and should not be seen to indicate any lack of commitment in this regard.

Nevertheless, UCU management recognise the need to achieve this as soon as possible. We therefore commit to ensuring that Unite receives a revised draft of the policy, amended in accordance with legal advice received to minimise the risk of legal challenges, by Friday 28 June, at which point we will schedule further meetings with a view to agreeing the policy formally as soon as possible.

10 June 2024

ANNEX

Extract of email to Unite, referred to in section 1.

Timetable for review

Below is a proposed timetable for the initiation and conduct of the review. In broad terms, we hope to conclude the scoping phase in June so that the work of the review can begin in earnest in July, with a view to reporting in Autumn 2024 and a formal UCU response to recommendations to be made by the end of 2024. This timetable is dependent on the agreement of staff unions and BMSC members, and on the preferred candidates' availability.

Phase	Key actions	By when?
Scope	<ul style="list-style-type: none">• Identify availability of preferred candidates• Establish agreed terms of reference• Convene meeting of staff unions and BMSC representatives to confirm above	June 2024
Review	<ul style="list-style-type: none">• Convene initial review meeting with reviewer(s)• Establish key milestones for review process• Work of review to commence	July 2024 – October 2024
Report	<ul style="list-style-type: none">• Reviewers to produce final report and recommendations	October/ November 2024
Respond	<ul style="list-style-type: none">• UCU SMT to issue its response to the report and recommendations• UCU SMT to produce an action plan	November/ December 2024

In parallel to the review, UCU will proceed with other commitments made in response to the findings of the Black staff listening circles as set out by the Head of Equality and Policy earlier this year. Steps are also being taken by the General Secretary to engage with and respond to concerns raised by the BMSC in relation to treatment of Black members.

Identifying who will conduct the review

Both Unite and members of the BMSC have requested that the review be led by an independent panel rather than a single reviewer. We are agreeable to this in principle.

In light of the clearly expressed view that the treatment of Black staff under UCU's policies and procedures be within scope of the review, UCU SMT is of the view that it would be helpful for the staff-specific aspect of the review to be undertaken by a KC. We have ascertained that both Ijeoma Omambala KC (Old Square Chambers) and Sheryn Omeri (Cloisters) have both the necessary experience and availability to undertake the work within the desired timescale and would welcome thoughts on their involvement.

Unite have further proposed Joy Warmington, Wilf Sullivan and Roger McKenzie as potential candidates for participation in the review panel. We will be contacting suggested candidates in the coming days to ascertain their availability.

Agreeing terms of reference

Both Unite and the BMSC members have indicated that they have begun work on drafting terms of reference for the review. It would be helpful if this could be shared with us ASAP and no later than 3 June in order that any drafts can be drawn together ahead of the tripartite meeting in June.

As a starting point, we would propose that the terms of reference should cover the following:

- 1. At an organisation-wide level, an examination of how Black UCU staff and Black UCU members are treated within UCU. This should include consideration of:*
 - a. The level of understanding at all levels of racism and how it manifests*
 - b. The culture within UCU in relation to inclusion of Black staff and members*
 - c. The impact and efficacy of UCU's staff-related policies and procedures, and how they are implemented, in relation to the experience of Black staff*
 - d. How Black members are engaged and supported at branch, regional and national level in terms of:*
 - i. Structures*
 - ii. Case work and legal support*
 - iii. Wider UCU activity*
- 2. Production of a set of actionable recommendations for addressing any issues identified in relation to the areas outlined above.*

While some issues are common to both staff and UCU members, it will be necessary to ensure a clear delineation in how the review engages interested parties on aspects which relate solely to staff (e.g. internal policies and procedures) or members (e.g. structures).

Resourcing and continuity

We recognise that it is important for the review to be appropriately resourced. We are committed to ensuring that representatives of the staff unions have the support of their line managers in devoting the necessary time to inform the shape of the review as outlined above and, where necessary, to help inform the work of the review itself.

UCU is also committed to resourcing a secretariat to support the work of the reviewer(s). Details of this will be confirmed in consultation with the agreed parties who will be taking forward the work once they are established.

In light of the impending departure of the Head of Equality and Policy, Abigail Oprey, Head of Legal, will be charged with overseeing the review from July onwards, in order to ensure continuity.

Next steps

To progress the review in line with the plans outlined above, I would be grateful if you could please advise on your availability on the following dates for a meeting between representatives of the staff unions, BMSC representatives and UCU management:

- 17th June*
- 19th June (AM)*
- 20th June*
- 25th June*
- 26th June*