

Important information for UCU members at Lancaster University

Your Union on Campus: Fighting Redundancies

May 2010

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Lancaster UCU Branch Wins at Employment Tribunal

On 12 April 2010 Lancaster UCU branch won its case in an Employment Tribunal claim against the University. The Tribunal unanimously ruled that University management had failed to collectively consult on the proposals for 89 Fixed Term Dismissals that took place last year. It concluded that the University had breached its statutory duty to consult with the union if planning to make 20 or more people redundant. The tribunal criticised management for ignoring requests by UCU to engage in meaningful consultations in an attempt to avoid the redundancies and underlined its judgment of the seriousness of the University's breach of the law by making the institution pay a protective (i.e., punitive) financial award.

UCU seeks to protect the interests of all of its members and does not condone any discrimination due to the nature of the contract. We pursued this case on our members' behalf because we believe that all redundancies need to be challenged and our employer is no exception to this rule. UCU general secretary, Sally Hunt said: 'This is a very important victory for thousands of university staff on fixed-term contracts. Despite specific guidance agreed by the employers and trade unions to discourage the abuse of fixed-term contracts, universities seem to be ignoring it.'

What this case shows is that your branch is both actively and successfully fighting for your employment rights. We need you to help in any way that you can so that we can continue to make a difference. You can find the case link here: www.lancs.ac.uk/users/ucu/.

We are currently engaged with the University in critical redundancy negotiations and hope that this case helps us to develop a more productive and effective relationship that allows us to prioritise avoidance.

Lancaster University Redundancy Forum

As you may have seen from one of our membership mailings, UCU has written to all Vice-Chancellors asking them to mandate their national association, UCEA, to negotiate nationally on redundancies. At the time of going to press, UCEA continues to refuse to do so. At Lancaster, in addition to successfully taking the University to the Employment Tribunal, the branch has been instrumental in the setting up of a Redundancy Forum in July 2009. Now, for the first time, as a result of UCU's determination to use the law to the full advantage of members, it looks like University management are attempting to meet their statutory obligation to consult collectively on redundancies and work with UCU. As a result, the branch is in a position to monitor the number of redundancies on campus and participate in discussions on the avoidance of redundancies.

Since the inception of the Redundancy Forum, the vast majority of staff who have been made redundant have been on fixed-term contracts (since the non-renewal of most fixed-term contracts is legally classified as a redundancy).

University Management Scraps 46 Years of Staff Protections

On 23rd February the University Senate voted to eliminate the employment protections academic and related staff have enjoyed in one form or another since the granting of the University Charter. Since 1989, these protections have been enshrined in Statute 20, which made dismissing academic and related staff difficult, and placed onerous demands on University management if any staff member appealed against dismissal. It is Statute 20 that has, as much as any factor, ensured security of employment for UCU members for a generation. On March 19th, the University Council confirmed the intention to scrap it. There are now no more obstacles to University management taking the final step: getting the approval of the Privy Council for the elimination of the employment protections in Statute 20 – although we retain the option of opposing this move through a submission to the Privy Council.

Join your union online today: go to www.ucu.org.uk/join

You may never have heard of Statute 20 before but you will miss it when it is gone. We have started to see the first cases of members on indefinite contracts being placed at risk of compulsory redundancy. It is going to be easier from now on for the University management to make staff redundant.

How much easier? That depends. Without the bulwark of Statute 20 to protect us, the rules that will govern dismissal of employees will be contained in the six new employment procedures that management has drafted. Five of the six procedures ultimately end in dismissal and guess what? In the new drafts, the rules will make it easier for managers – including your own line manager – to dismiss staff members. Your only other protection? Your union. If you have never before been involved or informed about what the union is doing it is time to get involved now.

Employment Procedure Negotiations

On January 18, the campus unions entered negotiations with University management on a set of six employment procedures that management has drafted. There have since been another eight negotiation sessions, examining the documents line by line and more will have taken place by the time you read this. The sessions typically run between four and five hours and they have been alternately businesslike and contentious.

Some highlights of the results:

- We have won important concessions in the Grievance Procedure, such as the right to appeal, the right to confidential advice by a case worker, and other matters, so that the local UCU executive agreed on March 23 that, with three significant caveats, we would recommend it to the membership.
- We won significant concessions on the Capability and Disciplinary procedures – for example, on our demand that only shortcomings or offences of *the same kind* or of *equal seriousness* should be considered to form a “pattern” of repeated infractions.
- We are about to begin discussing the procedures that many would regard as most important, the ones concerning Redundancy, Redeployment, and Fixed Term Contracts, but are very concerned that the draft policies offer little more than protections that are already built into employment law.

- As originally drafted, the Redundancy policy is worryingly opaque about where authority for decisions about redundancies lies, and it offers no detail about measures for minimising redundancies. We hope that we shall have been able to report progress on these matters by the time you read this.

Now that Senate and University Council have voted to remove Statute 20, these procedures and the negotiations are extremely important to all of us. Key issues for the unions are whether there are sufficient “due process” protections for staff members, and whether there are guarantees that they will be consistently applied across the institution. Whereas the unions have insisted that protections against abuse be *built into* the documents, management has taken a “trust us” approach that says essentially that we ought not to contemplate “worst cases” in which managers abuse their position. The unions contend that the composing of the documents is *precisely the point* at which abuses should be anticipated and pre-empted. This basic philosophical difference runs through much of the debate about the detail of the documents. The results of the negotiations will determine for the next generation how easy or difficult it will be for managers to dismiss staff members, and how much protection against unfair management behaviour we will continue to enjoy.

The purpose of the procedures is to replace the current ones with a set of procedures common to all staff groups (currently academic and related staff have separate procedures).

They cover:

- Grievances (if a staff member is unhappy with their terms and conditions or with some aspect of their treatment or work situation)
- Capability (if there is some perceived shortcoming in the staff member’s performance)
- Disciplinary matters (if there is some alleged poor conduct)
- Fixed Term Contracts (how staff on FTCs should be treated)
- Redeployment (treatment of staff facing redundancy)
- Redundancy

Faculty “Consultations” on the Draft Employment Policies

The recently appointed Director of HR Chris Thrush has been staging “consultation” meetings in each faculty about the new employment procedures, events that began after the new policies were drafted but before the negotiations had run their course. In these meetings, a small number of invited participants are given a short presentation about the policies and a brief chance to voice their opinions. The meetings are meaningless as consultations, but at the first negotiation session with the unions in January, Thrush made it plain that this was not the purpose of the exercise: its main purpose is to build up the *appearance of* support for the policies in order to try to undercut the position of the union negotiators. Thrush claimed that (with one exception) everyone who had been present at the consultations (up until then, at least) had supported the newly drafted employment procedures. Why, he implied, couldn't the unions accept the will of the community and slink off quietly into the silence and quiescence into which he obviously wishes to consign us?

At the “consultation” meetings, the policies are presented as informal, modern, and based on principles of simplicity, flexibility, timeliness and equality. On the surface, this is appealing and it is understandable that such “mom and apple pie” goals win nods of approval from some colleagues. That is all Thrush wants. Nod your head and your work at the “consultation” is done. HR can now use your supposed consent as a basis on which to claim that the community has spoken. Yet the short meetings, often held at lunch-time, do not show that the policies place all of the control and flexibility into the hands of managers and that they do indeed promote equality of opportunity – to a rapid route to dismissal, with little protection of due process. Participants in the “consultations” do not have the time to examine the proposals in detail; few have the detailed knowledge of the existing procedures to be able to compare them with the new ones to see what is being gained or lost; the participants are given no opportunity to concert together and form a collective view; there is no follow through to see if any points they make are being taken on board; and besides, the whole exercise is bound to be meaningless because it is happening in parallel with the negotiations with the recognised staff representatives, the campus unions, with whom the University management is legally obliged to negotiate.

Finally, the “con” in these consultations was exposed at the FASS consultation on February 23. Among other challenges by several well-informed members of FASS, managers heard the intervention of Bronislaw Szerszynski,

whose professional and academic area of expertise is . . . public consultations. Afterward, Szerszynski wrote up his comments and distributed them to the participants. In sum, the FASS “consultation” and those in other faculties fall short of the characteristics of a valid consultation, which ought to include the following (the bullet points quote Szerszynski's letter):

- **timeliness**
- **openness of the framing**
- **sufficient time**
- **clear statement of outcome**
- **feedback**

Szerszynski concluded, “My impression was that by the end of it we were just about getting to the point where we could start to see the kind of issues that ought to be considered. So, however useful they might have been in other ways, I wouldn't like to see these consultation events being presented as having accurately captured the considered opinion of the University community (especially in the context of on-going negotiations with the campus unions).”

Be warned: presented as an innocent exercise in exchanging views with staff, the “consultations” are part of an undeclared but intensifying war with the campus unions in which our status as the recognised negotiators with management is at stake. Don't let management get away with their bogus “con”sultation claim. It is just that: a con.

Closures and Shrinkages

As we struggle with increased workloads and the stress that they bring, we are only too aware of the university's announcement of a three-year moratorium on replacing academic staff. This has enormous implications not only for the working conditions and health of individuals but also the viability of whole departments and disciplines. The University may well reassure us that there are no planned closures, but when a critical mass of staff is not sustained, the department's continuation comes into question. There are currently a number of departments that face this situation, some with drastic reductions in academic staff.

The Department of Continuing Education (DCE) with 18 staff (previously 40 before the department was destabilised by an announcement of a “review”) is being closed down this year and replaced with a handful of jobs in Marketing and External Linkages.

Senior managers at Lancaster University have learnt an important lesson from other universities like Liverpool and Sussex: don't openly declare closures and redundancies because staff and students might build a winning coalition against you and save both jobs and departments. Instead, simply fail to replace colleagues who leave, and departments will unnaturally waste away.

What Can You Do?

Keep informed. Come to union general meetings. Volunteer as a departmental representative (contact Rory Daly r.daly@lancaster.ac.uk) or a case worker (contact Patrick Hagopian p.hagopian@lancaster.ac.uk). Help distribute the Lancaster UCU hard copy newsletter. Simply receiving and putting the newsletter in pigeon holes in your department would be a big help, and requires minimal effort (contact l.banton@lancaster.ac.uk).

What else can you do? Challenge managers on their policies, as several staff members did at the recent "consultation" in FASS, puncturing the management myth that the campus community supports the new employment procedures.

The branch urgently requires a new treasurer.

The post of treasurer was made substantially less arduous by the appointment, three years ago, of a Finance Assistant, who does all the finance paperwork. The treasurer's job is to oversee our finances and ensure that all the union's financial procedures are in order. There's plenty of support and it's a good role for someone who would like to make a very useful contribution. For an informal chat, contact Rory Daly (r.daly@lancaster.ac.uk).

Get involved! We owe it to ourselves to do so. In the end, the job you save may be your own.



YES, I CAN HELP TO MAKE MY UNION STRONGER

If you would be willing to help the UCU branch or need help, please fill in the form below, detach and return it in the internal mail to Rory Daly, UCU Branch Secretary, Department of Continuing Education, Ash House, Lancaster University, LA1 4YT. Please tick box/es or delete as applicable.

- I can help distribute UCU materials within my area
- I can help write/produce a newsletter/website (delete as appropriate)
- I am interested in becoming a member of the case-work team
- I would like to find out more about becoming a department representative
- I am facing possible redundancy and would like someone to contact me
- I am on a fixed-term contract and would like someone to contact me to discuss making a case for permanent status

I am willing to help/need help in the following ways:

Name:

Department:

Location:

Email:

THANK YOU FOR CHOOSING TO GET INVOLVED WITH YOUR UNION. WE WILL CONTACT YOU SOON

UCU

professional contracts
for professional people
end casualisation

