1. Background and introduction to the Guide

1.1 The Guide to Negotiations has been developed to provide information and advice to UCEA member HEIs and set out the expectations and commitments involved. It reflects the outcomes of a wide-ranging consultation with the UCEA membership during 2007-08. This consultation identified that future arrangements should accommodate the anticipated continuation of broad collective or ‘national’ negotiations while accommodating a variety of views within the sector about negotiations. It was also identified that UCEA members should at the start of a negotiating round be invited to ‘opt in’ to collective negotiations, so that ambiguity is avoided for both employers and trades unions and that by opting in to collective negotiations, UCEA members would commit to a set of arrangements embracing both rights and responsibilities.

1.2 The Guide sets out expectations and commitments in the form of a Code for member institutions and UCEA to ensure that there is a greater clarity and understanding of the processes involved and improved unity of purpose within the sector. HEIs that decide to opt in to collective negotiations are referred to as “participating” institutions. A second Code sets out the expectations for institutions and UCEA in the circumstance of an HEI ‘opting out’, therefore choosing not to participate.

1.3 UCEA will ask HEIs to give an indication of their likely decision in the autumn prior to the next year’s negotiations. However, a positive decision regarding participation will be sought in writing from the Head of an Institution before the end of March. Stage 3 of the consultation process, set out below, will therefore be the final point at which notification can be given, within each particular negotiating round. By committing to participate an institution will be doing so for the duration of the particular negotiating round.

1.4 Institutions will be given the opportunity to establish their position at the commencement of each new round of negotiations. An institution that decided not to participate in one round could therefore decide in a subsequent round to opt in if it wished.

1.5 A list of participating HEIs will be notified to the HE trade unions and published on the UCEA website.

Cont
2. The Code for participating HEIs

2.1 The Code has three key elements as follows:

2.1.1 Consultation – in three stages from December 2008 to March 2009

Stage 1: In advance of each round contextual information on the expected key negotiating issues will be provided in writing to all UCEA member institutions, key sector groups and professional bodies. There will also be an indication of the sorts of questions that will shape UCEA’s negotiating mandate.

Stage 2: Face to face consultation will take place with mixed/regional groups of HEIs, and key sector groups and professional bodies. These discussions will help refine the questions to be asked at Stage 3 on the negotiating mandate and seek to identify any particular regional or sub-sector issues.

Stage 3: Final confirmation from each institution will be sought as to whether it is participating in the particular round of collective negotiations. Those institutions who have confirmed their participation will be asked to shape UCEA’s negotiating mandate by responding formally to a consultation document seeking definitive views on the full range of issues for the forthcoming negotiations.

2.1.2 Communications

The Code sets out the information and consultation arrangements that UCEA will have in place during negotiations and the expectation that participating members will commit to a shared approach to internal and external communications.

2.1.3 Management of industrial disputes

By confirming they are part of collective negotiations, participating members are expected to adopt a common strategic framework for dealing with any industrial action that may occur, and the withholding of pay. Participating HEIs are expected to issue, in advance of industrial action commencing, a clear statement to staff confirming that the institution does not accept partial performance, and that pay will be withheld from staff participating in any form of industrial action. They are also expected to adopt a policy on the withholding of pay which is consistent with the approach recommended by UCEA.

3. Involving stakeholders

The Guide also presents information about the negotiations timetable agreed for New JNCHES, procedures (including the disputes procedure) and provides material to assist member institutions with their planning and decision making. The Guide emphasises that the final decision should be one which commands the support of the governing body/council, the senior management team and middle management. It also identifies that the fourth critical stakeholder group is the trade unions and encourages institutions to ask themselves some critical questions about trade union relations and about the partnership issues involved.

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