

## **University and College Union**

### **National statement in support of members at the University of Newcastle**

The UCU Higher Education Committee, meeting on 26 January 2007, endorsed the following national statement of support including recommendations for action to be put the NUCU AGM on 8 Feb 2007.

### **Breach of the 1973 Local Recognition Agreement & the INTO Newcastle Joint Venture.**

1. UCU condemns the breach of the 1973 Local Recognition Agreement with NUCU by the University of Newcastle. The University has broken this agreement, to which, it is a signatory, in both substance and procedure.

The Local Recognition Agreement states:

- "...the University recognises the responsibility of the Association to represent the interests of it's members in all aspects of terms and conditions of employment"
- " the University agrees that before implementing alterations to conditions of service or major changes in established practices relating to the assignment and conduct of the duties carried out by employees it will CONSULT and NEGOTIATE with the Association.."

The University of Newcastle are refusing to negotiate on the issue of the transfer of staff to a private joint venture, INTO Newcastle and have failed to adequately consult Newcastle UCU on the impact of such a move on the staff within our bargaining unit. A proposal that the status quo ante should be applied to allow for meaningful consultation and negotiation to take place has been rejected by the University, who have indicated an intention to impose these changes in breach of the Local Recognition Procedure.

2. UCU advises members that we can therefore have no confidence in the INTO Newcastle Joint Ventures.
3. UCU is not satisfied that the University has properly addressed the impact of the proposals on black and minority ethnic staff. The University have agreed to implement the legal requirements for impact assessment, but have told NUCU that this will not be completed before implementation of their plans, therefore undermining the general duty on public bodies to promote race equality by eliminating unlawful discrimination, promote equality of opportunity and to promote good relations between persons of different racial groups. UCU cannot say whether or not the current proposals could have a negative impact on people of different racial groups and since no proper impact assessment will have been completed in time to make any necessary changes to the proposals, neither can the University.

Guidance issued by HEFCE on conducting impact assessments states:

- **“HEIs must ensure they have the resources to be able to carry out impact assessments adequately and thoroughly”.**
- **“As an integral part of policy making, impact assessment should be mainstreamed into an institution’s procedures and should begin as soon as a relevant new policy or practice is considered. These include: any process of merger, the physical relocation of a unit or any significant number of staff, the signing of any major contract with any provider or purchaser, the decision to commence teaching in any new curriculum area, the decision to end teaching in any existing area or the decision to terminate any number of staff contracts.**

Newcastle UCU calls on the University to implement the HEFCE Guidance entitled “Conducting impact Assessments for equal opportunities in higher education” in full before a transfer of staff to the proposed Joint Venture is considered and disseminate this information throughout the institution.

4. UCU is not satisfied that there are sound business reasons for the proposed joint ventures, INTO Newcastle 1 & 2. While we recognise the need to expand the recruitment of international students, we believe that a number of options are open to the University to combat the problem of declining international student numbers affecting the sector, which have not been adequately considered by the University. We are also concerned at the lack of financial information being made available to the Union about the costs and liabilities to the University from the INTO Newcastle proposals. UCU would like to see more information made available to us on the business case for these proposals along with assurances that there will be no adverse impact on the terms and conditions of staff currently engaged in English Language Teaching in association with the University and the extension of this assurance in relation to future staff being employed on no less favourable terms and conditions of employment by any joint venture the University signs up to.
5. We understand that land is being provided at no cost, to a property development company, Espalier, for the development of a new building to house the activities of INTO Newcastle. This company’s Director, Mr Andrew Colin, is also a Director of INTO, the private enterprise that forms half of the proposed Joint venture, INTO Newcastle. The joint venture will lease the buildings from the developer. Should the joint venture fail the University will take over the tenancy of the teaching block for the remainder of the 35 year period. The developer would retain responsibility for the residential block where the University would have a soft nomination agreement. We urge the University seek binding assurances with Espalier that they will not seek to mortgage the new property nor sell the property as an ongoing business concern with a sitting tenant to another business.
6. UCU has standing policy against the privatisation of Higher Education provision. We would ask that the University provide information which can demonstrate to us that these proposals do not constitute the privatisation of English Language provision at Newcastle. UCU expresses its concern that this that these proposals look be the thin end of the privatisation wedge at the University of Newcastle. We seek assurance that this is not the case.

7. UCU is ready to raise the above concerns, through UCU through Headquarters, with UK Ministers and with HEFCE.
8. UCU offers full support to members at Newcastle in this uniquely difficult situation. Members are encouraged to attend the 8 Feb EGM and to give their full support to the union at this time. The following local decisions are commended to the EGM-
  - a) To note and endorse the national statement of support and the actions proposed by UCU at national UK level.
  - b) To circulate and call on all members and other academic staff to sign a petition, worded as follows:“ We, the academic and related staff of the University of Newcastle , call on the Vice Chancellor and the University Council to recognise that present proposals for imposition of the implementation of a joint venture called INTO Newcastle are in breach of the 1973 Local Recognition Agreement and that a lack of negotiation and consultation has failed to convince UCU that such proposals are in the interests of the University’s staff or students”
  - c) To instruct the local officers to inform the University that Newcastle UCU is now in dispute over the breach of the 1973 Local Recognition Agreement and the proposed imposition of the INTO Newcastle Joint Venture, including the TUPE transfer of staff and that, in accordance with the procedure agreement, we shall seek to resolve the dispute through negotiation, that we are open also to conciliation through ACAS and that we expect the University, in accordance with good practice, to maintain the status quo ante while the matter under dispute is being so resolved.
  - d) To inform the University of the outcome of the EGM including the union’s position statement above and all actions proposed at national and local level to correct and resolve matters.
  - e) To invite the Commission for Racial Equality to comment on the current position of the University in relation to impact assessment being carried out only after the proposals have been implemented.
  - f) To contact other staff and student representative groups to alert them to our concerns and the grounds for our dispute with the University.

Steve Wharton and Jill Jones  
Co Chairs, UCU Higher Education Committee