



University College London UCU Branch

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Dr Michael Spence AC
Provost and President
University College London
London

Friday, 19 May 2023

Dear Michael,

We expect we speak for the majority of UCL staff when we write that we are extremely disappointed by the message from HR, and communications from you, following the decisive position on pay deductions reached by Academic Board.

The last time that Academic Board rejected a senior management position so resoundingly was over UCL's failed attempt to 'reform' Statute 18 in 2012.

The reasons this time are not difficult to identify. UMC has failed to read the situation properly, and as such, has adopted a stance that places it at loggerheads not only with UCU and the local branch, but with staff more generally. Even staff who do not support the UCU action recognise the disproportionality and punitive nature of an approach which puts UCL as an outlier in the sector.

There is also a simple economic reason for staff's resolve. Every UCL employee is facing an imposed two-year pay 'offer' which represents a 15% cut in purchasing power against RPI over the period (or, against CPI, in excess of a 10% pay cut). However, neither index reflects the greater impact of cost-of-living inflation for junior staff, especially those on short-term contracts living in private rented accommodation, many of whom are recent graduates.

UMC's positioning also places the University at loggerheads with current students who are being put at risk of not graduating, graduating with estimated marks, or graduating with significant delay. This, coupled with UCL's approach to exam mitigation, suggests that UMC is steering the College into a perfect storm. You may be aware that the University of Cambridge has rejected a similar proposal to that adopted by UCL's Education Committee. The Institute of Physics and Royal Society of Chemistry have also challenged the idea of graduating students with a significant number of unmarked assignments.

Disproportionality

There are multiple legal arguments as to the disproportionality of UCL's proposed approach, as we detailed in our previous letter to the Provost of 21 April. What you propose appears to be some form of collective punishment motivated by a mistaken perception of individual

employee liability for the consequences of industrial action – a perception that stands in clear contradiction with sections 3 and 6 of the Human Rights Act 1998 and Article 11 of the European Convention on Human Rights protecting the right to strike.

It is also not lawful, as is suggested, for UCL to make deductions for ASOS during periods when a member of staff is clearly not participating in ASOS, i.e. they have neither begun to boycott any work nor decided to do so, or at a point when their involvement has ceased because they have no outstanding marks to return. Likewise, decisions to participate in, or end, a boycott may be made by an individual on a day-to-day basis. In addition to basic contract law violations, UCL's approach to deductions robs staff of the fundamental principle of individual agency enshrined in the Trade Union and Labour Relations (Consolidation) Act 1992. That principle places strict limitations on employer and trade union alike on influencing staff to (not) participate in industrial action at particular times.

UCL has also failed to defend its decision to choose 50% as its proposed figure. We must ask to see the workload modelling and calculations that have led UMC to arrive at this figure.

Few student-facing teaching staff have year-round marking workloads of 10% FTE, even including formative marking. Were UCL to pay a comparable employee to pick up the marking of a boycotting staff member, the pay they received would be much less than UCL's proposed deduction. UCL has simply failed to justify its approach to 'non student-facing' staff – whoever they may be – except to say that staff can dispute the deductions!

Members will clearly dispute these unjust deductions. Aside from any other collective action the branch might choose to take, were UCL not to change its stance we would advise our members to individually raise grievances challenging deductions in preparation for litigation at the county court.

Exploring a measured alternative approach

The Academic Board Resolution that was passed so overwhelmingly identifies an alternative approach that UCL could readily adopt. UCL already has a daily strike action participation register database which could be used for staff to document their boycott participation on a daily basis. Arguments regarding the 'complexity' of identifying individual participation and making individual deductions are therefore not sustainable.

Such an approach goes back to the basic principle that UCL has overturned by its current blanket deduction policy. UCL staff are honourable and truthful, and have shown loyalty to students and institution (including during the Covid lockdown crisis), and wish to rebuild trust.

Were UCL to recognise the groundswell of opinion, and change its stance to a proportionate, personalised approach, staff would be far more likely to disclose to managers their participation in the boycott, and to comply with requests to document it on the UCL database.

To be clear, we are not in a position to 'trade' early declaration for a lower tariff – this would not be in our gift – but it is reasonable for us to point out that UCL's disproportionate approach has damaged employment relations to such an extent that staff currently believe they have little choice but to delay declaring participation.

Towards resolving the dispute

This is a national dispute, and UCL has a considerable profile, due to its size, importance and status as an institution. We were pleased to hear at a previous JCNC meeting that UCL would advocate that UCEA re-open negotiations over pay and conditions in the Russell Group. A public statement to that effect, like the one issued today by Cambridge, would clearly be helpful at the current juncture.

Public statements of this kind would help to rebuild trust with staff, and give UCL UMC a chance to demonstrate the sincerity of past statements regarding low pay in the sector.

We are sure that the entire UCL community would wish to see UMC making an equivalent effort into caring for its staff and seeking to resolve this dispute, as it is doing in seeking to mitigate the effects of the boycott. The best way to care for our students would be to settle the dispute.

In conclusion

We are part of a national union and we are engaged in a national dispute. We cannot opt out of calling on members to participate in the Marking and Assessment Boycott. Nor can we trade the easing of UCL student graduations for a less punitive approach from UCL. But we can identify, as we have done above, that there are alternative paths to these, including ones that might see students minimally impacted.

Many of our comparator institutions have rejected a punitive approach to deductions. These include King's College London, where staff face a deduction of at most five days' pay, and Brunel, where deductions might be as high as ten days. Those who have persisted with the imposition of punitive deductions, such as SOAS and Edinburgh, are facing an escalation of industrial action by their local UCU branches. SOAS's '100% for five weeks' tariff is nearly as high as UCL's, and the UCU SOAS branch has already announced strike action. We call on UCL to rethink its approach, which staff see as provocative and which Academic Board has overwhelmingly condemned.

Members are meeting on Tuesday to discuss UCL's position and agree next steps. The opportunity to de-escalate the current standoff is in UCL's hands.

Yours sincerely



Sean Wallis
UCL UCU Branch President

cc: Donna Dalrymple, HR Director of People
cc: Andrew Young, UCU RSO
cc: Jo Grady, UCU General Secretary
cc: Saladin Meckled-Garcia, UCL UCU Branch Secretary
cc: David Ladd, UCL UNITE Branch Secretary
cc: Joanne Tapper and Jacqueline Sheehan, UCL UNISON Joint Branch Secretaries