

Agreed with JNCC – August 2016

ST GEORGE'S, UNIVERSITY OF LONDON

St GEORGE'S AND TRADE UNION PARTNERSHIP AND RECOGNITION AGREEMENT

PURPOSE

The purpose of this Agreement is to promote effective joint working between St George's and its recognised trade unions. It sets out trade union recognition and representation within St George's and procedural arrangements for information sharing, consultation and negotiation.

1. PARTIES TO THE AGREEMENT

1.1 This recognition agreement is between St George's, University of London, and the recognised unions namely:

- BMA - who represent clinical medical academic staff
- UCU - who represent academic and academic related staff / academic related, professional and administrative staff
- Unite - who represent technical and support staff

1.2 The agreement covers staff in the above categories who are paid on the St George's nationally negotiated pay spine. Other staff, namely senior managers (defined as "the Principal, a Dean, a Director, or other such manager paid above the 51 point pay spine) are not covered by this agreement. This does not however preclude an individual senior manager being accompanied / represented at an individual level by a recognised union representative when needs be.

2. RECOGNITION

2.1 St George's, University of London (hereinafter known as "St George's") recognises that it is to the mutual benefit of St George's and its employees for the different groups of employees to be represented by Trade Unions ie the recognised Trade Unions.

2.2 All sides agree that a condition of entering into this agreement is that all parties to the agreement will participate positively and constructively in the processes of communication, consultation and negotiation.

2.3 St George's agrees that it will not negotiate with any union(s) other than the recognised unions listed above.

2.4 St George's may however negotiate with Senior Managers and/or any representatives for this group.

3 GENERAL PRINCIPLES AND SCOPE OF AGREEMENT

3.1 The recognised unions appreciate the consultative arrangements between St George's and each of the other recognised unions for consideration of a broad range of employee relations issues.

- 3.2 St George's shall establish a Joint Negotiating and Consultative Committee (JNCC), consisting of core members for the purposes of communication, consultation and negotiation.
- 3.3 St George's and the recognised unions have a common objective in ensuring the efficiency and success of St George's.
- 3.4 All parties to this agreement recognise that their pursuit of this common objective under this recognition agreement shall be by communication, consultation, negotiation as defined in the JNCC Terms of Reference.
- 3.5 The recognised Unions appreciate management's responsibility to plan, organise and manage the activities of St George's, according to the objectives set by St George's.
- 3.6 St George's recognises the each recognised Union's responsibility to represent the interests of their particular staff group, to work for improved conditions of employment and work, according to the each union's policies, for the employees covered by this agreement.
- 3.7 The recognised Unions accept that management has a responsibility to keep employees directly informed of matters concerning the activities of St George's, but this does not obviate the requirement under this agreement to communicate, consult and negotiate as appropriate through the recognised machinery on matters covered by this agreement.
- 3.8 St George's and the recognised Unions recognise their responsibility to encourage all staff to make use of appropriate channels to ensure active communications throughout the organisation.
- 3.9 St George's and the recognised unions recognise their interdependence and agree that matters affecting their interests shall be considered jointly, by communication, consultation and negotiation as provided for in this agreement.
- 3.10 Nothing in this Agreement shall preclude the rights of the College to communicate with staff either individually or collectively, or the rights of the trade unions to communicate with their members and the staff groups they represent.

4 ARRANGEMENTS FOR CONSULTATION AND NEGOTIATION

- 4.1 This agreement establishes a structure for management and the recognised unions' negotiations and consultation based on one forum, namely the Joint Negotiation and Consultative Committee (JNCC).

The Terms of Reference for the JNCC are attached as **Appendix 1**.

In addition, informal meetings may be held for the purposes of information exchange and discussion and in order to progress matters outside of formal JNCC meetings. No formal decisions will be taken at informal meetings; only at the JNCC will any matters for negotiation or consultation be formally agreed / ratified.

5 REPRESENTATION AND FACILITIES

- 5.1 The right to time and facilities for the recognised unions is acknowledged by St George's in line with the relevant employment legislation. As such, St George's shall provide reasonable time and other facilities for the recognised unions.

6. INTERPRETATION AND VARIATION

- 6.1 Any disputes as to the interpretation of this agreement shall be referred to the joint secretaries. In the event of a failure to agree, the matter will be referred to the JNCC and the appropriate procedure will be followed.
- 6.2 Any variation or amendment to this agreement may only be by the joint agreement of the JNCC and only after a proposal has been submitted to a previous meeting for discussion.
- 6.3 If the matter remains unsettled, it may be referred to ACAS by any party to this agreement for conciliation or jointly for arbitration.

7. PRINCIPLES FOR PARTNERSHIP WORKING

Both the Trade Unions and University Management will seek to:-

- operate at all times in the spirit of mutual trust and with respect, both face to face and through other media eg. email.
- understand and respect each other's purpose, role, rights and responsibilities.
- respect confidentiality.
- raise issues of concern at the earliest opportunity in order to generate a common understanding and to enable more constructive dialogue, ultimately achieving more effective outcomes.
- deal with issues raised in a timely manner as possible and for both parties to seek to respond to issues raised by the other within 5 working days, and where this is not possible to inform the other party that there will be a delay.
- utilise informal communication mechanisms to communicate openly and honestly as possible, and seek to avoid lengthy and unproductive e mail exchanges.
- communicate responsibly to their own stakeholders, reflecting issues fairly and appropriately, avoiding the use of emotive language.
- management will also seek to communicate issues with unions prior to informing staff and unions will seek to advise management of the timing nature and purpose of any staff meetings they are intending to hold.
- have planned approaches to taking forward issues. This includes for example giving adequate advance notice of meetings where possible and seeking to find mutually convenient meeting times rather than calling meetings at short notice (although it is accepted this may happen but it should be exceptionally only).

- adopt a consistent approach in terms of people issues and implementation of policies and procedures.
- work and learn together through problem solving and effective joint working.
- undertake joint training where appropriate.
- hold informal pre-meetings without prejudice where appropriate (eg. case work)
- keep staff informed where there are delays (eg. in disciplinary investigations say)

It is expected that appropriate training will be undertaken by all individuals holding formal employee relations roles to enhance joint / partnership working between the recognised Unions and SGUL representatives.

8. DISPUTE RESOLUTION

- 8.1 St George's and the trade unions are committed to working to achieve agreement. If, exceptionally, there is a failure (e.g. at the JNCC) to reach agreement, the matter will be referred to the Dispute Resolution Procedure in **Appendix 2** of this Agreement.

9. REVIEW

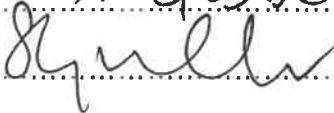
- 9.1 This agreement shall operate from August 2016 and will be reviewed after a period of 12 months.

VARIATION AND TERMINATION

Variations to this Agreement can only be made by mutual agreement between the recognised trade unions and St George's.

This Agreement will be subject to termination only by any party giving the other parties six months' notice in writing to that effect. If notice to terminate is served by one trade union, the Agreement between St George's and other recognised trade unions will continue.

This Agreement will be effective from the date of all parties' signatures below.

Name SARITA GODBER
 Signature 
 On behalf of St George's, University of London
 Date 19/04/17

Name GREG BARNETT
 Signature 
 On behalf of UCU

Date 3/8/2017

Name P BOAROMAN

Signature P Boaroman

On behalf of BMA

Date 19/4/2017

Name ANDREW MURRAY

Signature A. Murray

On behalf of Unite

Date 19th APRIL 2017

JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE (JNCC) MEMBERSHIP AND TERMS OF REFERENCE

Note: This document should be considered in conjunction with the SGUL Trade Union Recognition Agreement.

1. Purpose and Scope of the JNCC

The purpose of the JNCC is to provide a formal and structured forum for collective negotiation and consultation between SGUL management with the BMA (who represent clinical medical academic staff) and the recognised unions namely UCU (who represent academic and academic related staff / academic related, professional and administrative staff) and Unite (who represent technical and support staff).

2. Definitions and Terms of Reference

(i) Negotiation – the process of where the employer and the trade unions seek to reach agreement on issues and so avoiding disputes.

Issues of negotiation may include the following (this list is not exhaustive):

- Pay and terms and conditions of employment
- Key employment policies with contractual impact
- Variations from nationally agreed salary levels
- Local determination of current/future pay and conditions as recommended nationally
- Proposals on achieving staff reductions/ large scale organisation change
- Other matters that require local negotiation

(ii) Consultation – the exchange of views based on the general principle that the mere passage of information is not consultation. Consultation involves an opportunity to influence decisions and their application but the responsibility for decision making ultimately remains with management. It involves the employer actively seeking and then taking account of the trade unions' views before making a decision. Meaningful consultation depends upon those being consulted having adequate information and time to consider it. Consultation should always be undertaken with a view to reaching agreement.

Issues of consultation may include the following (this list is not exhaustive):

- Non-contractual employment policies and procedures
- Matters relating to discipline and grievances
- Potential redundancies
- TUPE transfers
- Working conditions including Health, Safety and Welfare
- Working practices
- Health and Safety
- Equality, diversity and inclusion

(iii) Communication / Information Provision – is the exchange of information and ideas and may be carried out in a variety of different ways ranging from face-to-face (eg in formal and other meetings) through to e mails and newsletters.

3. Membership and Associated Arrangements

Management Side: Four members (usually nominated by the Human Resources Committee)

Union Side: Two members per each of the recognised unions.

Each Union will also ensure that their membership is representative and that in any collective bargaining, they each have, where possible, a mandate to negotiate and commit decisions.

Regional Officials

Regional Officials of each of the recognised Unions (with responsibility for St George's) are entitled to attend the staff side of the JNCC, in the capacity of an ex officio officer (eg where there are particular issues of significance).

Substitutes

In the interests of the stability and continuity of work of the JNCC, no substitutes or deputies may be sent to any meeting unless prior agreement has been given by both sides.

Quorum

The quorum of the JNCC will be:

- Management – A minimum of two, and up to four representatives, including the Principal (or their representative) and the Director of Human Resources and OD (or their representative);
- Unions – A minimum of three union representatives from at least two (of the three) recognised Unions.

Other

If a representative on JNCC ceases to be an employee of St George's or a member of the appointing union, they will immediately cease to be member of the JNCC.

Chair

The Chair of the meeting shall alternate on a meeting basis between the management and the staff side.

Committee Secretaries

Management side will be responsible for administration of JNCC including preparing agendas and taking minutes. Both sides are to agree the content of the respective documents, with the other side.

Meetings

The JNCC will normally meet up to four times per academic year. Additional meetings will be arranged by mutual agreement or at the request of either side through the joint secretaries.

In addition, if there are issues of communication, consultation or negotiation which pertain only to one (or two) of the recognised unions (and the staff they represent), then it may be appropriate, normally with the agreement of all three recognised unions, for a meeting (or meetings) to take place on the specific issues with only that (or those) union(s).

From time to time matters which affect one to two individuals only may be raised at a JNCC meeting. All parties must recognise the requirement to treat such matters in confidence and to accept that they may be more appropriately addressed through direct liaison between the individual(s) and the appropriate union representatives and local management.

Agenda

The business of the JNCC will be set in the form of an agenda, normally prepared and agreed by the joint secretaries in advance of each meeting. The agenda will take account of the wishes of both sides and will outline the issues to be discussed and actioned, and the timescales for discussion and implementation.

Reporting Structure

Deliberations and recommendations from the JNCC will be reported to the Human Resources Committee, SPARC (Strategy, Planning and Resources Committee) and Council as appropriate.

4. Review

These Terms of Reference will normally be reviewed at the first meeting of each academic year.

1st October 2009

Reviewed August 2012, August 2016

DISPUTE RESOLUTION PROCEDURE

1. St George's and the trade unions are committed to working towards agreed outcomes. If, exceptionally, these cannot be achieved, St George's or the trade unions, individually or collectively, may invoke the following procedure.
2. Where it appears that all scope for progress through normal consultation and negotiation has been exhausted, either St George's or the branch secretary / branch secretaries or chair of a trade union / the trade unions may give formal notice in writing to all parties of the existence of a dispute, outlining the basis of the dispute.
3. Where the dispute resolution procedure is initiated by a trade union, the formal notice should be sent to the Director of HR and OD. Where the dispute resolution procedure is initiated by St George's, the formal notice should be sent to the branch secretary of the trade union(s) concerned.

Stage 1

4. Following receipt of a dispute notification, the parties will agree, normally within 10 calendar days, the date of a meeting to seek to resolve the dispute. Unless agreed otherwise, the meeting will normally take place within 4 weeks of receipt of the notification issued and the Principal will normally be present.
5. If a resolution is not reached, either side may refer the matter to Stage 2 below.
6. The dispute may proceed to Stage 2 without being considered at Stage 1 if:
 - agreed by both St George's and the trade union(s) involved in the dispute; and/or
 - if the dispute arises from a meeting of the Joint Negotiation and Consultative Committee (JNCC) formally recording a failure to agree.

Stage 2

7. The meeting under Stage 2 shall normally be chaired by the Chair or Deputy Chair of Council. This meeting will take place as soon as practicable after the failure to reach a resolution at Stage 1, ideally within 2 weeks and normally not longer than 3 weeks.
8. Membership will consist of:
 - up to four members representing St George's Council and management, including the Principal; and
 - two representatives of each recognised trade union. Regional officers/officials employed by the recognised trade unions may also attend.

St George's or trade unions may invite an adviser or advisers if pertinent to the dispute.

9. The focus of the stage 2 meeting(s) will be on reaching a settlement of the issue(s) in dispute. Such settlement should also seek to include recommendations on how similar disputes might be avoided in the future.

10. Further meetings beyond this initial period may take place where that is agreed between the parties.
11. If it has not been possible to resolve the dispute through this series of meetings, the parties will consider whether third-party assistance — such as using ACAS — would help. A decision on this will be taken, normally within the following 10 calendar days. Any such decision must be by mutual agreement of all the parties to the dispute.
12. Throughout the period for dispute resolution meetings, and during any third-party assistance, St George's will not impose a change and the trade union(s) will refrain from taking any form of industrial action until the procedure has been fully exhausted. (ie where a dispute has arisen out of an intention to change terms and conditions or an agreed or established practice, the current terms and conditions or practice(s) that are proposed to be changed shall prevail, and no industrial action be taken, until the collective disputes procedure is exhausted.)
13. At the end of each stage, the parties will confirm points of agreement and any remaining areas of dispute. Should a resolution be achieved the parties may agree a joint statement.
14. Agreements under this procedure may be subject to confirmation by the parties' respective constituencies (Council / trade union membership).
15. St George's and the recognised trade unions commit to working to achieve resolution of disputes without delay.