

***Recognition Agreement between the University of Newcastle upon Tyne  
and the University and College Union***

***This document sets out the*** Recognition Agreement between the Council of the University of Newcastle upon Tyne (hereinafter referred to as “the University”) and the Newcastle Local Branch of the University and College Union (hereinafter referred to as “the Branch”).

1. The Branch recognises the responsibility of the University to plan, organise and administer each faculty, school and service while the University recognises the responsibility of the Branch to represent the interests of its members in all aspects of terms and conditions of employment.
2. UCU is recognised, for the purposes set out in paragraphs 3 and 4, for all employees of academic and related grades who are eligible for membership of the Branch and who are employed by the University up to the top of the agreed pay spine. The University further recognises the UCU for academic staff employed beyond this top point for the purposes of collective redundancy consultation and for negotiations on the starting point for professorial pay grades.
3. The University recognises the Branch as the sole bargaining agent as defined by the Trade Union and Labour Relations (Consolidation) Act 1992.
4. 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 or negotiate with the Branch as appropriate, in accordance with the procedure set out in section 5 below. Matters for negotiation are those detailed in s 178 of the Trade Union and Labour Relations (Consolidation) Act 1992.

Where both parties agree that internal mechanisms have been exhausted, consideration will be given to the use of conciliation or mediation to resolve any dispute.

5. The Branch shall receive such regular information from the University as may be agreed from time to time between the Branch and the Vice-Chancellor as being necessary for effective consultation and negotiation.

Consultation meetings shall be held between the Vice-Chancellor and the officers of the Branch when necessary.

A Joint Negotiating Committee shall be set up (hereinafter referred to as the JNC).

The JNC shall comprise:

- a) up to 6 senior representatives of the University, and
- b) up to 6 representatives of the Branch, including an officer of the Branch's parent body if the Branch so desires.

Two representatives from each side shall form a quorum.

The JNC shall meet on the request of either side which shall specify the business for negotiation. If either side so requests, the meeting shall be held within 10 working days of the request being received, unless agreed otherwise.

6. Facilities shall be accorded to the Branch and its officers on the lines described in current ACAS guidance. The University agrees to deduct the annual subscription to the Branch from the salary of an employee who is a member of the Branch and who has authorised this to be done by a signed written mandate.
7. The University on engagement of an employee eligible to transfer to or join the Branch shall inform the employee that the Branch is the sole bargaining agent for a specified group of employees which included him. The University shall inform the Secretary of the Branch of the name, University address, University e-mail address and employment held by the new employee.
8. This agreement shall continue in force until three months written notice of termination be given by either party to the other.
9. It is hereby agreed that the provisions of this Agreement or any of them are not intended to constitute a legally enforceable contract or a series of such contracts.
10. In this Agreement where they occur words of the masculine gender shall deem to import the female gender and the expression 'sole bargaining agent' shall have the meaning ascribed to it in the Trade Union and Labour Relations (Consolidation) Act 1992.
11. This document uses the ACAS definition of communication, consultation and collective bargaining (ie negotiation).

Appendix 1

ACAS identifies 3 types of interaction in relations between employers and trade unions as follows:

Communication      the provision and exchange of information and instruction.

Consultation      the process by which management and employees (or their representatives) jointly examine and discuss issues of mutual concern. Consultation does not remove the right of managers to manage – they must still make the final decision. In some circumstances consultation with trade unions is a legal requirement eg TUPE transfers.

The difference between communication and consultation is that communication is concerned with the interchange of information and ideas, whereas consultation involves actively seeking the views of employees before making a decision.

Negotiation      the process by which employers and unions seek to reach agreement on issues such as pay and terms and conditions of employment. In contrast to consultation where the responsibility for decision making remains with management, both employer and union take responsibility for reaching agreement.

The University will need to be clear, before entering into discussion on an issue with UCU, whether it is a matter upon which it is communicating, consulting or negotiating. Matters for negotiation are those detailed in s 178 of the Trade Union and Labour Relations (Consolidation) Act. Many of the University's policies and procedures are non-contractual but the impact upon staff may still be sufficiently important to warrant negotiation rather than consultation. Similarly, some policies may be introduced to meet a legislative requirement or may have limited impact upon staff in which case it would be appropriate to consult with UCU.

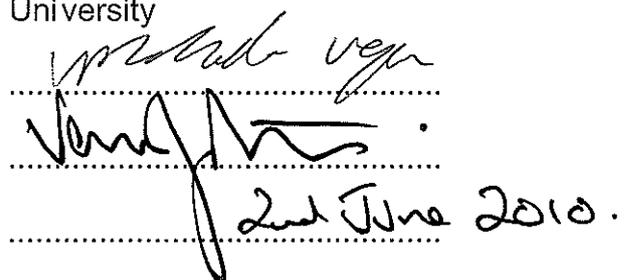
The operation of this appendix will be reviewed annually by the University and the Branch.

Formally agreed by UCU and Newcastle University

Signed (for UCU)

Signed (for Newcastle University)

Dated

Handwritten signatures and date: The first signature is for UCU, the second is for Newcastle University, and the date is 2nd June 2010.

