



The Educational  
Institute of Scotland



Joint Union Committee

Edinburgh Napier University

Alistair Sambell

Vice Principal/Chair JNCC

Sighthill Campus

Edinburgh Napier University

16<sup>th</sup> October 2014

**Joint Union Dispute – Academic Restructuring Advisory Board**

Dear Alistair

We are writing to you in order to lodge a formal dispute in relation to the University's intention to appoint non union staff representatives to the Academic Restructuring advisory board. Both unions are of the view that appointing non union staff representatives is a breach of our respective recognition agreements. We therefore wish to invoke the disputes procedure as outlined in Appendix A of the recognition agreements and seek early resolution of this dispute. In the meantime, we wish the status quo ante to apply and for the avoidance of doubt this means postponing the process of selecting non union reps and the series of advisory board meetings.

At the recent JNCC, on 8<sup>th</sup> October 2014, we made our objections to the University's plans clear and expected the management side to engage in meaningful discussion on these points with a view to reaching agreement. However, to our dismay, within ten minutes of the JNCC ending an all staff email inviting applications for non union reps was issued. Being prepared to believe that the email had been issued in error EIS wrote to you seeking clarification of whether the email should have been issued and once again reiterating its opposition to the University's plans. At the JNCC unions were asked not to go into detail due to the volume of business and had assumed that we would have

a chance to elaborate. Subsequently, UNISON communicated its opposition to these plans to you. However, your response to both unions, via email on the 9<sup>th</sup> October 2014, indicated:

'I understand your comments but the offending email was arranged some days ago and the timing with respect to JNCC was entirely coincidental - to be honest I actually thought it had gone out before our meeting.'

We believe that such a statement betrays a lack of understanding of the nature and purpose of the JNCC and more broadly the RPA which defines the relationship between the recognised unions and the University. Furthermore, we both interpreted this statement as meaning that our attempts to engage in consultation with you on this matter were a wasted effort as there was clearly no intention on management's part to consider seriously our position as you had already established a timeline to communicate your intentions to staff. The University issued the 'University Restructuring Advisory Board Terms of Reference' to the trade unions less than 48 hours before the JNCC, seeking our views, and as it is now clear that the University had no intention to change its plans we do not believe that the University has meaningfully consulted the recognised trade unions.

You will be aware that both unions also have a number of other concerns arising from the intention to appoint non union reps and have expressed these to you at the JNCC Away Day, the JNCC itself and in informal discussions on a number of occasions. For the sake of brevity here, these concerns are listed below:

- Timing of the Advisory Board meetings to suit one member's diary
- Attempt to influence which union reps were invited
- Inappropriateness of using the suggested approach to deal with a redundancy situation
- Inability or unwillingness to share details of appointment process for non union reps
- Ambiguity over who these non union reps would be 'representing'
- Undermining the employment rights of individuals at risk of redundancy

We will provide a fuller explanation of each of these points in due course.

We regret that it has been necessary to lodge this dispute and trust that you will work constructively to resolve this matter.



Dr. Carles Ibanez



Steve McLellan