

TO: All Staff
From: Andrew Dodman, Director of Human Resources
Date: 5 November 2014
Subject: UCU Industrial Action.

Dear Colleagues

Further to my email of 30 October 2014, I am writing to communicate our current approach with regard to the industrial action in the form of an assessment boycott being called for by UCU. This action is taking place at 66 Universities across the country, including our own, in response to proposed changes to the USS. This action short of a strike is due to commence on 6 November 2014.

Whilst we would rather not to be in the position of contemplating changes to USS, we do need to address the funding deficit, as required by the Pensions Regulator. We want to secure its long term sustainability and ensure that the scheme remains affordable for members and employers.

We would prefer to see a negotiated and agreed outcome through the recognised decision-making framework in USS which UCU, as the representative of all USS members, is a party to and which has now commenced. Following that negotiation process, it is a statutory requirement that all members of USS have the opportunity to be consulted on the final proposals – we anticipate that consultation with members will occur in early 2015. We therefore consider the call for industrial action by UCU at this time to be premature.

However, in the face of the industrial action I am now obliged to set out the University's position.

An assessment boycott has the potential to have a serious adverse effect on our students and the reputation of our institution. We will do all we can to minimise the impact on our students, and have contingency plans being put in place across the University to mitigate the impact. There is a risk however that this impact would increase over time, particularly if the action continues for several weeks.

We have long had a statement on [industrial action](#) which is clear that we will not accept partial performance of the contract of employment of staff. This means that anyone who decides to take part in the assessment boycott and who does not fulfil all the requirements of their contract of employment would be in breach of that contract. Consequently they would not be entitled to contractual pay from the date when they started to participate in the action.

Where a breach of contract does occur we reserve the legal right to withhold 100% of pay, at a daily rate of 1/260th of annual salary. However it has been decided that, in the first instance, we will withhold 25% of pay at a daily rate of 1/260th of annual salary (pro-rated for part-time staff) from the date on which those participating begin to take part in the action short of a strike. The payment of salary for the remaining 75% would be made on a purely voluntary

and ex-gratia basis by the University and would be conditional on other contractual responsibilities and commitments being met.

Such ex-gratia payments are made without prejudice to our right to make a full deduction of pay and we reserve the right to increase the percentage withheld to 100%, during any period where we judge the impact of the partial performance on the University and on our students, to have become even more serious. Staff members, either individually or collectively, will be advised if and when this is the case and the level of any increased deduction that will be made.

Any member of staff choosing to take part in the industrial action must complete and return the form available on our web pages (at <http://www.sheffield.ac.uk/hr/guidance/industrialaction>) to industrialaction@sheffield.ac.uk or to Human Resources, Level 5, The Arts Tower, indicating the date from which they will be refusing to carry out their duties associated with assessment.

If you do choose to take part in the industrial action being called by UCU and, at a later stage, you decide to change your position regarding your involvement and resume your full contractual duties you should notify your Head of Department and Human Resources immediately using the form available at <http://www.sheffield.ac.uk/hr/guidance/industrialaction>. Your pay will then be reinstated to your normal contractual salary from the date on which you return to undertaking full contractual duties. Pay withheld will not be reinstated.

I do realise that many staff will not wish to participate in this action and deeply regret having to write to staff who would not intend to take part in the action. However, the proposed action by UCU requires us to ensure that we have fully communicated the University's position to all staff, and we hope that you will understand why it is necessary.

Further information about the proposed changes to USS, the timetable for negotiations and consultation and regarding the industrial action can be found on our web pages at <http://www.sheffield.ac.uk/hr/guidance/ussconsultation>.

Yours,

Andrew Dodman

Director of Human Resources