

Assurance review of industrial relations with the UCU

October 2022

1. In July 2022 the Queen Mary Council established a group comprising the Chair and Vice-Chair of Council, and the Chairs of Finance and Investment Committee and Audit and Risk Committee, to seek assurance on the way the University executive was dealing with industrial relations with the University and College Union (UCU) during the current dispute. Council also asked the group to seek assurance on its regulatory duties regarding student protection and academic assurance. The group considered a significant body of documentation as part of this assurance review which is listed in Appendix A to this report.

Background to the assurance review

2. There has been an industrial dispute over pay and pensions across the higher education sector since 2018. In January 2022 the UCU secured mandates for further industrial action over these issues. This led to a continuous period of action short of strike in the form of working to rule starting on 7 February, as well as three non-continuous periods of strike action between 14 February and 1 April.
3. The University executive moved to mitigate the impact of the industrial action on students through a policy to deduct 100% of pay for participation in action short of strike causing disruption to students where it amounted to breach of contract. The policy allowed for staff to participate in other forms of action short of strike which caused disruption to other activities, but not to students, without financial consequences. Similar policies were adopted by other universities in England. The UCU challenged all universities planning to deduct 100% of pay for action short of strike, which it viewed as being punitive. Although the University executive maintained its policy, it did not in practice deduct pay for participation in action short of strike during this period. This is because it received assurance from the Heads of Schools and Institutes that all teaching that had been cancelled during the strike action was made up after staff returned to work.
4. On 21 March the UCU secured a further mandate for industrial action over the threat of 100% deductions for participation in action short of strike. This led to another period of strike action between 5 and 18 May, corresponding to the beginning of the examination period at the University. From 19 May action short of strike was expanded to include a continuous marking and assessment boycott.
5. Representatives of the University executive and the local UCU Branch met throughout the period of industrial action under the auspices of the Joint Consultative Forum. Between 31 May and 17 June, the frequency of meetings increased in an effort to resolve the dispute. The significance of these dates is that marking was due to be completed on 15 June in readiness for Subject Examination Boards to meet from 17 June onwards. The University executive held off on taking deductions for participation in the marking and assessment boycott while these negotiations were under way. It also offered not to take any further deductions if a settlement was reached in time for marking to be completed by a revised deadline of 28 June. Although the marking and assessment boycott was called in response to the University executive's pay deductions policy, the negotiations focused instead on a joint statement proposed by UCU Branch representatives that reflected the wider dispute over pay and pensions. On 10 and 17 June the Branch voted to reject drafts of the joint statement that had emerged from the negotiations. The frequency of negotiation meetings reduced after this point and the Director of Human Resources wrote to all staff on 29 June explaining how retrospective deductions would be taken in the following month for participation in the marking and assessment boycott.

6. The marks were scheduled to be released to students on 14 July. As a result of mitigations put in place by the University executive, all but 20 undergraduate finalists received their degree classifications on time. For those 20 finalists in Film Studies, confirmation of their degree classification was delayed until after the end of the marking and assessment boycott. Those 20 finalists were still able to attend the degree ceremonies in July as planned, having achieved enough credits to graduate. Although 2,060 first- and second-year undergraduates (equivalent to nearly half those studying in the Faculty of Humanities and Social Sciences) did not receive all their marks on time, they were informed within a week whether they would be able to progress into the next year and whether it was advisable for them to resit any of their examinations over the summer. In addition, 97 associate students faced delays in receiving their marks.
7. From 18 July the frequency of negotiation meetings again increased in an effort to resolve the dispute. On 19 July the University offered to increase London Weighting to £4,000, matching what had been agreed by another local university for its staff at the end of June. Discussions about a joint statement also resumed.
8. On 23 July the University executive took retrospective deductions from staff participating in the marking and assessment boycott, and the UCU Regional Officer was engaged by the Branch to facilitate UCU's legal review and authorisation of the joint statement. The Faculty Director of Operations in Humanities and Social Sciences wrote to staff on 11 August confirming the arrangements for further deductions for ongoing participation in the marking and assessment boycott. A final draft of the joint statement was agreed on 12 August and approved by a vote of the UCU Branch on 17 August. An agreement settling the dispute was signed on 18 August.

Council's role and approach in relation to the assurance review

9. Council is the University's governing body. In accordance with the University Ordinances, authority for the academic, corporate, financial, estate and human resource management of the University is delegated to the President and Principal, who is the University's chief academic and executive officer. Council's governance role in relation to industrial relations is therefore, in summary, to seek assurance that management functions are undertaken in accordance with the institutional strategy and values, that systems are in place for meeting all the University's legal and financial responsibilities, and that the good name of the University is safeguarded. Ordinance A3 sets Council's primary responsibilities out in more detail, of which the following are most relevant in this context.
 - *To delegate authority to the President and Principal for the academic, corporate, financial, estate and human resource management of the institution, and to establish and keep under regular review the policies, procedures and limits within such management functions as shall be undertaken by and under the authority of the President and Principal.*
 - *To be the institution's legal authority and, as such, to ensure systems are in place for meeting all the institution's legal obligations, including those arising from contracts and other legal commitments made in the institution's name. This includes accountability for health, safety and security and for equality, diversity and inclusion.*
 - *To safeguard the good name and values of the institution.*
10. It is in this context that Council considered the University executive's approach to industrial action at its scheduled meetings on 31 March, 19 May and 7 July. This included correspondence from the UCU Branch Chair. At the meeting on 7 July, Council also received correspondence from staff in Film Studies raising concerns about the President and Principal's approach during the industrial action, and from 12 current and future Heads of School inviting Council to use its influence '*to help protect the University by asking both the local branch of UCU and the University's Senior Executive Team to reflect on their positions, recognise the collateral damage in terms of staff morale and existing programmes and Schools, to step back from further escalation, and make a renewed push for negotiations*'. In

response, Council established 'a group comprising the Chair and Vice-Chair of Council, and the Chairs of Finance and Investment Committee and Audit and Risk Committee, to seek assurance on the way the University was dealing with industrial relations with UCU during the current dispute, including Council's duties regarding student protection and academic assurance'.

11. Council's duties regarding student protection and academic assurance are set out in the ongoing conditions of registration with the Office for Students. The following extract from an OfS Briefing Note on disruption to students caused by industrial action is a helpful summary.

We expect providers to take all reasonable steps to avoid or limit disruption to students. We also expect providers to make up for any teaching time or learning that students lose. For example, providers might make up for lost teaching time later in the academic year or offer full or partial fee refunds. Any changes made to examinations or other assessments should not disadvantage students, while also maintaining standards. Providers should communicate regularly and clearly with students to ensure they understand the impact that disruption will have on their studies and the steps being taken to mitigate the impact of any disruption.

12. That is the context in which this assurance review was conducted. From this starting point we identified four questions through which to seek assurance on the management of industrial relations and the impact of the dispute, and to establish an agreed set of facts on claims in the correspondence considered by Council on 7 July. These are listed below. It is not Council's role, or the purpose of this assurance exercise, to comment on the approach adopted by the UCU Branch to industrial action and negotiations with the University executive.

- a) Did the University executive take appropriate steps in relation to the pay deductions policy:
- to confirm the legal basis of its approach;
 - to consider the implications for relevant stakeholders;
 - to communicate its approach?
- b) Did the University executive take appropriate steps in relation to compliance with the ongoing conditions of registration with the Office for Students:
- to avoid or limit disruption to students;
 - to make up for any teaching time or learning that students lose;
 - to ensure that any changes to assessment do not disadvantage students, while also maintaining standards;
 - to communicate regularly and clearly with students;
 - to provide an effective route for complaints and concerns?
- c) Is there evidence of reputational impact resulting from the dispute?
- d) Are the claims in the correspondence considered by Council on 7 July supported by the available evidence?

13. Both the University executive and the UCU Branch have been transparent with Council about their respective stances throughout the industrial action. The correspondence from the Branch Chair is full and lays out the issues in sufficient detail to be considered through this exercise. We therefore concluded that there was nothing to be gained by considering first-person accounts about the nature of the dispute, noting that the need to arrange additional meetings would probably have extended the timeline for the exercise significantly, as it was being conducted over the summer months. We considered a significant body of documentation as part of this assurance review which is listed in Appendix A to this report.

Did the University executive take appropriate steps in relation to the pay deductions policy?

14. Members of the University executive were advised on employment law throughout the dispute by a partner at Eversheds Sutherland (International) LLP. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] the University executive's approach [REDACTED] is consistent with the established legal position.

15. The University executive's stated aim in establishing the deductions policy is to protect students' education during action short of strike by deducting 100% of pay for disruption to students, while not deducting pay for disruption to other activities. This position aligns with Council and the University's regulatory duties under the ongoing conditions of registration with the Office for Students. The Senior Executive Team wrote collectively to all staff on 31 January setting this out:

Offering a world-leading education is a fundamental part of our mission as a university, and hence we must protect our students' education and experience through this industrial action. It is also important that we take an equitable approach across our entire University community. In order to protect our students' education, we will be asking all staff taking part in any industrial action (including ASOS) to prioritise all planned educational activities above all other activities. 100% of pay will be deducted from staff undertaking industrial action, including ASOS, if all planned educational activities are not undertaken. Please see the FAQ for more information.

16. A further communication on 24 February from the Senior Executive Team to all staff reinforced the message.

Finally, we wanted to correct some misinformation that seems to have been publicly circulated regarding prioritising educational activities during action short of a strike (ASOS). No one will have their pay deducted for ASOS, as long as all planned educational activities are carried out and any educational activities that have been cancelled as a result of strike action are rescheduled. We accept that prioritisation of education during ASOS means that there may be disruption to all other non-educational activities, including research and administration. Pay will only be deducted for taking strike action, or if colleagues are taking ASOS and fail to carry out planned educational activities, or fail to re-schedule educational activities that have been missed due to strike action. We have put this measure in place to safeguard our students' education, as education is core to our purpose as a University. We accept that there may be disruption to the University in all other activities due to staff taking industrial action.

17. The position of the UCU, as first set out in a letter to the University executive on 7 February, is that it is overly punitive to deduct 100% of pay for participation in action short of strike and that, by aggravating industrial relations, the policy in fact caused greater disruption to students' education. In contrast with claims that the University is a major outlier in its approach, a poll undertaken by the Universities and Colleges Employers Association (UCEA) in May found that at least 17 out of 43 institutions affected by marking and assessment boycotts had policies to deduct 100% of pay. Data gathered and published by The Tab, a tabloid-style youth news site, in June under the Freedom of Information Act also show that Queen Mary had deducted less pay up to that point compared to all other Russell Group

institutions, apart from one. The following table shows the number of staff from whom deductions were taken out of nearly 5,400 staff working at the University.

	Strike action	Action short of strike
March 2022	114 staff	nil
April 2022	44 staff	nil
May 2022	14 staff	nil
June 2022	13 staff	nil
July 2022	2 staff	103 staff

18. The information on pay deductions is based on assurances from Schools and Institutes to the University executive. This shows between March and May all teaching that was missed because of strike action was subsequently made up. We have also seen evidence on student complaints and out of 490 complaints and appeals filed with the University centrally by the end of August in relation to the last summer assessment period, just 27 refer to missed teaching. Later in the dispute, and following the introduction of the marking and assessment boycott on 19 May, the impact on students increased. We were told that, as a result of mitigations put in place by the University executive, all but 20 undergraduate finalists received their degree classifications on time. For those 20 finalists in Film Studies, confirmation of their degree classification was delayed until after the end of the marking and assessment boycott. Those 20 finalists were still able to attend the degree ceremonies in July as planned, having achieved enough credits to graduate. Although 2,060 first- and second-year undergraduates (equivalent to nearly half those studying in the Faculty of Humanities and Social Sciences) did not receive all their marks on time, they were informed within a week whether they would be able to progress into the next year and whether it was advisable for them to resit any of their examinations over the summer. In addition, 97 associate students faced delays in receiving their marks.

19. The University executive held off on taking deductions in June for participation in the marking and assessment boycott, as negotiations to end the dispute were under way. The deductions were therefore taken retrospectively in July, the approach and rationale for this being explained to all staff on 29 June in a message from the Director of Human Resources from which the following extract is taken. We were told that annual and other forms of leave were considered in the deductions where they had been recorded, and subsequent adjustments to pay were made in light of new evidence where appropriate.

Consistent with our aim to minimise the impact of the industrial action upon our students, we will not deduct pay where colleagues have completed all marking and assessment activities within timescales agreed with their Head of School or Institute so that students can graduate, progress or resit at the planned times. As such, no deductions were implemented in the June payroll for participation in the marking and assessment boycott. This was on the basis that pay will be deducted retrospectively from the July payroll onwards in accordance with the policy where participation in the boycott causes subsequent disruption.

20. On reviewing the evidence, we take assurance that the University executive took appropriate steps to confirm the legal basis of its approach to pay deductions and that the approach is consistent with the established legal position. The deductions policy on action short of strike struck a balance between the regulatory duty to protect students, by deducting 100% of pay where education was disrupted, while allowing for staff to take other forms of action short of strike without financial consequences. The University also extended marking deadlines so

that staff taking part in the marking and assessment boycott could make up the work without deductions being taken. The communications sent to staff by the Senior Executive Team in January and February, and by the Director of Human Resources in June, provide a clear rationale for the approach to deductions and would have allowed staff considering taking part in action short of strike to make informed choices.

Did the University executive take appropriate steps in relation to compliance with the ongoing conditions of registration?

21. The correspondence from both the UCU Branch Chair and Film Studies staff raises concerns about the impact of the dispute on academic standards, including the quality of feedback provided to students. Similar concerns were raised directly with the Office for Students in May 2022 through its notification procedure. The University executive's response to the Office for Students (Appendix B), which addressed the ongoing conditions of registration, was considered by the Audit and Risk Committee at its meeting on 23 June. The fact that the Office for Students was satisfied with the response gives assurance that appropriate steps were taken to comply with the conditions of registration in relation to what was known at the time about the impact of industrial action. The marking and assessment boycott crystallised later, and we have therefore focused our attention on this aspect, rather than repeat the assurance exercise already undertaken by the Audit and Risk Committee.
22. The University's Industrial Action Strategic Contingency Group (IASCG) was tasked with mitigating the impact of the industrial action on the student experience and assuring academic quality and standards during the industrial action. The Group is chaired by the Vice-Principal (Education) and comprises sabbatical officers from the Students' Union, the Deans for Education from each faculty (who work directly with staff in Schools and Institutes to oversee academic quality and standards) and relevant professional services staff.
23. Did the University executive take appropriate steps to avoid or limit disruption to students and make up any lost teaching or learning time (Conditions B1 and B2)?
 - a) We were told that the Deans for Education engaged members of staff in Schools and Institutes to identify risks to the delivery of teaching and learning activities so that timely action and monitoring could be put in place as required. The delivery of central learning support services was unaffected by the dispute, based on assurances provided by their representatives on IASCG. As noted in paragraphs 17 and 18 above, the data on pay deductions, student appeals and complaints indicate that all education that was missed because of strike action was subsequently made up.
 - b) One of the claims made by the UCU Branch is that, because the University hired external markers who were in their view insufficiently prepared, the quality of marking and feedback to students was compromised. We were told that most of the marking that was reallocated to mitigate for the marking and assessment boycott was in fact picked up by existing staff who were offered overtime at double rate for this additional work. In line with practice in any normal year, 26 additional staff who were either known to the University through professional networks or had worked for the University before were formally engaged to undertake marking that could not be picked up in this way. We have been told that no external agencies were involved in the marking of assessments. In all cases, markers were provided with information packs covering the module assessment and marking criteria, and marking and feedback to students was subject to the usual quality assurance arrangements.
24. Did the University executive take appropriate steps to ensure that any changes to assessments did not disadvantage students, while also maintaining standards (Conditions B3, B4 and B5)?

- a) We reviewed a detailed account of action taken to mitigate the effects of the marking and assessment boycott on students. In line with the Briefing Note issued by the Office for Students, the University's normal processes and procedures for maintaining standards were followed. It is clear that the IASCG played an important role in ensuring that mitigations were applied selectively and on the condition that students had demonstrably achieved the learning outcomes, academic standards were maintained and the requirements of Professional, Statutory and Regulatory Bodies were considered.
- b) To put this in context, what follows is a comprehensive list of mitigations we were told were put in place to address the marking and assessment boycott for undergraduate students on modules affected by the dispute in Summer 2022.
- 26 additional staff were identified, engaged and inducted in line with practice in any normal year in cases where marking could not be reassigned to existing staff. Deadlines were also extended to give members of staff more time to complete quality assurance processes.
 - A local requirement for final-year dissertations to be marked twice was lifted, at the discretion of the Head of School, on the condition that an adequate sample of work was marked twice to confirm the standard and consistency of the marking. Sampling is a recognised form of quality assurance in the University's Assessment Handbook.
 - 141 marks across seven modules were calculated on a sub-set of the component assessments after receiving assurance from the relevant School or Institute that the students had already demonstrated achievement of the intended learning outcomes in the components that were completed.
 - Students were permitted to progress with missing marks in one quarter of their modules, provided they had: taken the required number of modules and passed at least half of them; submitted at least half of the work, or had valid extenuating circumstances, in the modules with missing marks; met or were able to meet any programme specific requirements. This decision permitted an additional 1,806 students to progress before the marking and assessment boycott was lifted. Although this was a relaxation of the normal progression requirements, we were told it was less so compared to the mitigations put in place in the first year of the pandemic.
 - We were told that staff remained in regular contact with partner universities regarding the impact of the marking assessment boycott on associate students (there were delays in providing marks for 97 out of 416 associate students).
- c) While we were told that the resignations of 69 out of 277 external examiners presented an operational challenge, replacement external examiners were recruited in time for all but two examination board meetings. The two exceptions had benefitted from recent input from the external examiners before the resignations took place, as well as an additional layer of internal scrutiny.

25. Did the University executive take appropriate steps to communicate regularly and clearly with students, and to provide an effective route for complaints and concerns (Conditions C1 and C2)?

- a) We have considered the communications and FAQs provided to students throughout the industrial action. Those communications benefitted from the input of Sabbatical officers from the Students' Union, as full members of IASCG.
- b) The normal complaints procedure for students was maintained throughout the industrial action. The number of formal complaints and appeals filed so far this year is in line with patterns in previous years.

- c) In accordance with Condition C1, the University offered £500 in compensation to 20 finalists in Film Studies whose final degree classifications were delayed.

26. In summary, we consider the University executive took steps to avoid or limit disruption to students by putting them at the centre of its approach to communications, pay deductions and governance for monitoring and mitigating the impact of the industrial action. The information on pay deductions is based on assurances from Schools and Institutes to the University executive. This shows between March and May all teaching that was missed because of strike action was subsequently made up. We are aware that students contacted Council members directly about the impact of the industrial action during this time. We have also seen more recent evidence on student complaints and out of 490 complaints and appeals filed with the University centrally by the end of August in relation to the last summer assessment period, just 27 refer to missed teaching. This implies that steps were taken to address the issues raised by students in correspondence with Council members.
27. We consider that changes to marking and assessment were minimal and approved at an appropriately senior level with care to maintain academic standards and apply learning from the recent pandemic. Student representatives played an important role in ensuring that communications were clear and addressed any concerns raised by students. The normal procedures for student complaints were maintained throughout the industrial action. We therefore take assurance that the University executive took appropriate steps in relation to compliance with the ongoing conditions of registration.

Is there evidence of reputational impact resulting from the dispute?

28. The correspondence from both the Branch Chair and Heads of Schools raise concerns about the impact of the dispute on the University's reputation. As it is difficult to measure reputation itself, we considered tangible measures of impact on students, staff and alumni.
- a) There is a positive overall trend in application and conversion rates on undergraduate and postgraduate programmes over the last two years, including in areas affected by industrial action. Applications overall have increased by 14% for undergraduate programmes and by 16% for postgraduate programmes. Attendance at open days has increased from 3,378 in June 2021 to 10,230 in June 2022.
- b) The percentage of contactable alumni who are actively engaged with the University has increased from 3.8% to 6.6% over the course of 2021–22.
- c) As the following table shows, turnover of academic staff at the University is consistently low compared to the rest of the sector. Internal dashboards also show that academic turnover over the course of 2021–22 was consistently lower in areas affected by industrial action compared to the rest of the University. The proportion of applicants for academic positions meeting the criteria to be shortlisted has remained constant over the last two years, and there are typically 25–35 more applications for each position in the Faculty of Humanities and Social Sciences, which has been most affected by industrial action, compared to the rest of the University. Increasingly high-profile appointments are being made into key academic positions.

	2018–19	2019–20	2020–21	2021–22
Queen Mary	5.9%	6.0%	7.1%	7.1%
Russell Group	8.8%	9.2%	8.7%	*
Sector	9.0%	9.6%	8.9%	*

* Benchmark data for 2021–22 are not yet available.

29. It has been suggested in the correspondence to Council that the resignations by external examiners indicate that the University's reputation in the wider academic community has been damaged by its approach to pay deductions. External examiners are typically recruited through the professional networks of University staff and often those who are working in the discipline. Of the 54 external examiners who resigned and have not completed their term, we were told that 35 have already indicated a willingness to resume their role at the University.
30. In summary, the University's performance on strategic KPIs in relation to student recruitment and alumni engagement has continued to improve. Recruitment into academic posts is strong and turnover is below average compared to the Russell Group and the sector. In addition, well over half of the external examiners who resigned in support of the industrial action are willing to come back. We therefore take assurance that the good name of the University has been safeguarded throughout the dispute.

Are the claims in the correspondence considered by Council on 7 July supported by the available evidence?

31. One of the main objectives of this assurance review has been to establish an agreed set of facts in relation to the correspondence from the Branch Chair, Heads of School, and members of staff in Film Studies. The intention is to provide members of Council with relevant context, bearing in mind that there are inevitably different perspectives on the issues. In this section of the report we consider the University executive's approach to negotiations with the UCU Branch, this being the main issue raised with Council by the Heads of School. We have carefully considered and addressed through the evidence recorded in earlier sections of this report all the other claims of substance in the correspondence from the Branch Chair and members of staff in Film Studies.
32. We considered a detailed timeline of negotiations between the University executive and the UCU Branch (summarised in the opening paragraphs of this report), including relevant correspondence and drafts of the joint statement agreed on 18 August. The following points are significant.
 - a) Although the marking and assessment boycott was called in response to the University's pay deductions policy, it is unclear how this provided the UCU with a basis for a negotiation mandate. Instead the starting point for negotiations was a joint statement proposed by Branch representatives addressing a wide range of issues, including cost of living, casualisation, pay gaps, workloads and pensions. On reviewing the correspondence between the University executive and UCU Branch representatives, it is unclear whether the Branch representatives had priorities within the negotiations and whether any of the issues were addressed to their satisfaction through successive drafts of the joint statement.
 - b) One of the claims in the correspondence to Council is that the University executive prolonged the negotiations by not offering any meaningful commitments on the USS pension scheme. This is not something that is within the University's control, however, and Council has previously noted the constraints that the regulatory position and actuarial advice place on any sustainable resolution to the issue.
 - c) Another claim in the correspondence to Council is that the University executive prolonged the negotiations by not offering any meaningful commitments to address declining pay and pay inequality through either reform of salary scales or improvements to London weighting. As the University operates for the public benefit and subscribes to national pay bargaining, it is duty bound to remain in step with the rest of the sector in relation to pay. The joint statement that emerged from negotiations in June, which was rejected by a vote of the UCU Branch, was comparable to joint statements accepted at other universities. While some institutions

offered one-off payments to reward staff for their contributions during the pandemic, the University executive had already implemented a reward scheme on this basis in the previous year. When it became clear after the end of June that London Weighting was being increased at other institutions, this provided a route for a financial settlement.

33. On reviewing the evidence, we conclude that the negotiations were not overly prolonged because of what the University executive did. It was not unreasonable for the University executive to make an offer in June that was in line with the sector and expect a resolution. It could be argued that meeting outside the Joint Consultative Forum with the same offer could have helped to move the negotiations forward, but it is impossible to tell whether this would have made a positive difference or might have undermined the role and status of the Joint Consultative Forum in the longer term.

Conclusions and learning points

34. On reviewing the evidence and acting as Council over the period of industrial action:
- a) we consider the University executive's decision to prioritise the interests of students through its pay deductions policy was the right value to adopt in the external regulatory context and after two years of disruption caused by the pandemic;
 - b) we are assured that the University executive took appropriate steps in relation to compliance with the ongoing conditions of registration with the Office for Students;
 - c) we found that no evidence of reputational impact from the dispute on measures of student recruitment, staff recruitment and retention, or alumni engagement;
 - d) we consider the approach taken by the University executive in negotiations with the UCU Branch was reasonable in the light of the prospect of ongoing industrial action and the overriding priority to safeguard the student learning experience and outcomes.
35. During the dispute, it was important for Council to understand the impact of the industrial action on students to gain assurance about compliance with the ongoing conditions of registration with the Office for Students. In future, there may be a benefit in collecting more robust and timely data about missed teaching and delays in marking.
36. The communication task for the University executive during the industrial action was significant. In particular, the decision to prioritise students, which we strongly agree was the right value to apply in the circumstances, was at risk of being read in a different way by staff in the heightened atmosphere of industrial action. The University executive met in person with the Heads of Schools and Institutes on a regular basis to keep lines of communication open and gain support for the institutional approach. In line with its distributed model of leadership, the University placed significant reliance on cascaded communications. It is worth reflecting for the future on whether a mixture of central and cascaded communications would help to strike the right balance and achieve greater consistency across the University.
37. We agree that there are sound reasons for the University to remain in step with the rest of the sector in relation to pay, as well as significant concerns over the sustainability and impact of salary increases. In concluding that the approach taken in negotiations with the UCU Branch was reasonable in the circumstances, it was appropriate to consider whether the University executive was proactive enough in using what limited local flexibility existed to reach a settlement. This will continue to be a relevant question for the University executive to explore in the context of what is already a lengthy dispute.

APPENDIX A: Documentation considered as part of the assurance exercise

Correspondence to Council from Heads of School (5 July 2022).

Correspondence to Council from the UCU Branch Chair (6 July 2022).

An open letter from staff in Film Studies (6 July 2022).

The ongoing conditions of registration with the Office for Students.

Office for Students Briefing Note on disruption to students caused by industrial action.

UK Quality Code for Higher Education.

Communications and FAQs issued by the University to students and staff throughout the industrial action.

A timeline of the industrial action, including correspondence from negotiations with the local UCU Branch.

Guidance and benchmark data on the approach to pay deductions during the industrial action issued to employers by the Universities and Colleges Employers Association.

Correspondence with the local UCU Branch regarding a collective grievance over the University's approach to pay deductions for actions short of strike.

Legal advice taken by the University on its approach to pay deductions and the collective grievance, which is subject to legal advice privilege.

Correspondence with the Office for Students under its notification procedure in relation to compliance with the ongoing conditions of registration during the industrial action (May–June 2022).

A timeline of action taken by the University to mitigate the effects of the industrial action on students with supporting data on impacts and quality assurance processes.

Data on student recruitment and open day attendance.

Data on staff recruitment and retention.

Data on alumni engagement.

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From the President and Principal
Professor Colin Bailey CBE
FREng, BEng, CEng, PhD, FIMechE, FICE,
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01 June 2022

Dear [REDACTED]

Re: Notifications regarding industrial strike action OfS:0334205

I am writing in response to your email dated 25 May 2022 outlining intelligence the OfS has received relating to industrial strike action at Queen Mary University of London.

Our overall approach to industrial action is designed to comply in full with ongoing Conditions B1, B2, B4, B5 and C1, as well as associated guidance and the OfS Briefing Note on disruption to students caused by industrial action. We have additionally taken account of the requirements of relevant Professional, Statutory and Regulatory Bodies. In particular we have applied the following principles throughout the industrial action.

a) Avoid or limit disruption to students.

Through effective communication and meaningful engagement with staff on the national issues under dispute, we avoided being in the first group of universities to see industrial action at the end of 2021 and have seen diminishing levels of engagement by staff in subsequent action. Only 113 staff members (including professional services staff) participated in the ten days of strike action between 14 February and 2 March 2022, of which 56 participated in three days or less and 12 took part in all ten days. In the five days of industrial action that occurred between 28 March and 1 April 2022, as few as 39 members of staff participated, of which 17 took part in all five days. Staff members participating in strike action over this period represent less than 2% of our total staff head count. The impact of the industrial action to date at the University has therefore been minimal.

b) Ensure that any teaching time or learning that students lose is made up.

We have asked all staff taking part in industrial strike action to make up lost teaching when they return to work. It is not acceptable for staff simply to post lecture notes online, for example, or to remove lost learning from the assessment. Instead, we expect staff to deliver meaningful teaching activities to make up for what was lost. Staff are given some flexibility in relation to the format and timing of replacement teaching activities, subject to approval from the Head of the School or Institute with overall monitoring by the Faculties and the Vice-Principal (Education). The Head of the School or Institute also plays an important role in ensuring that the arrangements are communicated clearly to students.

By asking staff taking part in industrial action to prioritise educational activities on their return to work, while accepting that non-educational activities such as research and administration can stop, we have ensured that staff have sufficient capacity to make up lost teaching and, at the same time, have

provided a route for staff to take part in action short of strike without disruption to students. In line with sector-wide guidance from the Universities and Colleges Employers Association (UCEA), our policy is to deduct full pay if a member of staff refuses to make up lost teaching, or to carry out marking and assessment. No pay deductions are made if staff participate in action short of strike through non-educational activities.

To date, all Schools, Institutes and individual members of staff have reported that any teaching that was lost as a result of strike action has been made up as expected. Weekly checks undertaken by the Faculties also confirmed that all lost teaching has been made up. As a result, currently no deductions have had to be made for partial performance in relation to the request to prioritise all planned educational activities.

c) Ensure that students are not disadvantaged in assessment and academic standards are maintained.

The University's Industrial Action Strategic Contingency Group (IASCG) has delegated responsibility to protect academic standards and the overall student experience during periods of industrial action. The group, which meets weekly, is chaired by the Vice-Principal (Education). Three of the members are sabbatical officers from the Students' Union (one for each of the Faculties) who, together with senior staff on the group, perform an active role in assessing risks, monitoring impact, agreeing mitigations and advising on communications with the student body. This co-created approach to education, which is a key element of our University Strategy, also served us well for mitigating disruption to students during the coronavirus pandemic.

We have developed five potential options for Schools and Institutes to mitigate disruption to assessment processes: reallocating work to other staff in the University; asking part-time staff to take on additional hours; offering paid overtime to existing colleagues; bringing in recently retired staff; and contracting an external service provider. The options were subsequently worked through, in order, by members of the Faculty leadership meeting with individual Heads of Schools and Institutes, guided by an initial risk assessment completed by the Heads of Schools and Institutes. Each of the options meets the requirement that individuals who undertake marking are suitably qualified and possess detailed understanding of both our own quality assurance processes and the importance of assuring quality and standards to the value and global reputation of our degrees. It is also a requirement that marks produced through these options pass through monitoring and moderating procedures overseen by our boards of examiners, supported where necessary by additional professional services staff.

Currently, we are monitoring the situation daily as marks are uploaded, and thus far have seen the options appraisal and subsequent mitigating actions providing the mitigation required, without recourse to an external service provider. It has therefore not proved necessary for us, at this stage, to contract a third party to undertake marking in order to support the progression and award of our students in a rigorous, timely and transparent manner.

Currently, 53 external examiners in our Faculty of Humanities and Social Sciences have resigned to support the University and College Union (UCU) campaign, following extensive lobbying by UCU, with 76 external examiners still appointed. In our Faculty of Science and Engineering six external examiners have resigned, with 43 still appointed. In our Faculty of Medicine and Dentistry four external examiners have resigned with 78 still appointed. We have recruited, or are in the process of recruiting, new external examiners where required to ensure that our assessment processes have had appropriate oversight from external experts in line with the ongoing Conditions. This approach has already proved effective in some discipline areas, but in two discipline areas in particular (Drama and PGT International Politics) there is currently further work to be done. We will inform OfS, at the appropriate time in July, or October for the PGT programme, if we are not successful in securing

external oversight for these two discipline areas. All discipline areas with Professional, Statutory and Regulatory Body requirements are already adequately covered.

d) Communicate regularly and clearly with students and provide effective routes to resolve concerns.

We have put significant effort into effective communication with students and staff through central messaging, student and staff focused FAQs, which are continually updated, and local messaging via Faculties, Schools and Institutes, often using common templates. All central communications and FAQs are presented on our website for students (<https://my.qmul.ac.uk/news-and-events/industrial-action/>) and for staff (<https://connected.qmul.ac.uk/news/industrial-action/>).

Our complaints policy and procedure has been communicated to students, is presented on our website, and was specifically communicated to students through the industrial action via the FAQs. In line with our policy, any student who has raised a concern, including using one of the UCU campaign template letters, is directed to their School or Institute in the first instance in order to address any potential misunderstanding in relation to arrangements for making up lost teaching. Our experience to date is that Schools and Institutes have successfully resolved any concerns at this early stage by explaining how the education was made up in each particular instance, and providing more information and focused support if required. In the event that it is not possible to resolve a student's concern within the School or Institute, the student has access to the formal stage of our complaints policy, as well as a potential internal appeal, and external complaint to the Office of the Independent Adjudicator for Higher Education (OIA). No student has been prevented from raising any concerns or applying for partial refunds, noting that we would always endeavour to make up lost teaching in line with our mission and values.

Summary

For these reasons, and on the basis that we will continue to prioritise the education of our students above all other activities, we are confident that we comply with ongoing Conditions B1, B2, B4, B5 and C1. I hope that this letter provides sufficient evidence to reassure you that we have acted, and continue to act, in accordance with the OfS Briefing Note on disruption to students caused by industrial action. If you require any further information, or access to any documentation, please do not hesitate to contact me.

Yours sincerely

Colin Bailey
President and Principal
Queen Mary University of London