UNIVERSITY OF SUSSEX

THE BULLETIN SPECIAL

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EMPLOYEE PARTICIPATION

The paper which follows on Employee Participation is being made available to all members of staff on behalf of the Council of the University. Any member of staff who wishes to comment on the proposals should write to the Finance Officer, Sussex House, by the end of May.

A. INTRODUCTION

1. This paper, prepared for the University in its management capacity, provides a basis for discussion of the question of how far there may be scope for the extension of employee participation in the decision-making processes of this University's government and management. It takes account of claims received separately from the University branches of the Association of Scientific, Technical and Managerial Staff (ASTMS) (25.1.79.), the Association of University Teachers (AUT) (24.11.78), the National and Local Government Officers Association (NALGO) (6.12.78), the National Union of Public Employees (NUPE) (19.12.78) and the Craft Unions (24.11.78).

B. GENERAL BACKGROUND

2. In the United Kingdom the concern of trade unions for a greater degree of employee participation has, in the context of industry, become an issue of increasing importance and debate throughout the seventies. In 1974 the TUC published its proposals in a report on Industrial Democracy and this was followed by the setting up by the Government on 3rd December 1975 of the Bullock Committee of Inquiry, which was asked to advise on questions relating to employee representation at Board level in the private sector of industry. The Committee's report was published in January 1977.

3. Parallel studies, undertaken internally, had also been set in motion by the Government in early 1976 in relation to the nationalised industries and the public services; and in due course enquiries were broadened to include the educational sectors. On 30th July 1976 Mr. Gerry Fowler, the then Minister of State for Education and Science, while recognising that the autonomy of universities put them in a different position from other bodies for which Ministers have a measure of responsibility, wrote to the Universities Grants Committee (UGC) seeking information about the position in universities. This was immediately followed in August of that year by a letter from the UGC to the Committee of Vice-Chancellors and Principals (CVCP) seeking help in establishing the scope for the extension of industrial democracy in universities. The CVCP in October 1976 appointed a working party from amongst its members to examine the issues arising from that request. The working party reported in March 1978, and its report was widely published.

4. The extent of the representation of non-teaching staff in universities was summarised in Appendix 5 to the report of the CVCP working party, and it was noted by the working party (paras. 28-29 of the report) that:

(a) although there had been some movement in a few universities towards the appointment of members of non-teaching staff to governing bodies, the extent of this was limited and was confined to a small number of universities;

(b) on the other hand, most universities had at least one member (and in some cases several members) of the TUC or Trader Councils on their Courts and/or Councils;


(c) there appeared to be no members of non-teaching staff on any Senate (other than persons such as the librarian who were closely academic related) except in the case of the Open University;

(d) there were no cases of non-teaching staff from within a university being elected through union machinery to a governing body; and

(e) below the level of governing bodies, the extent to which non-teaching staff were appointed to committees varied considerably, the method of selection to each committee, whether of academic and related or of non-teaching staff, depending largely on the functions of the committee.

5. The conclusions of the CWP working party were contained in paras. 43-52 of their report and are summarised at Appendix A. The Government is understood to be still considering the report but no indication of its views has yet been made known to universities through the UGC.

6. On 23rd May 1978 the Government published a White Paper on Industrial Democracy (Cmd 7231), in the light both of the debate which followed publication of the Bullock Report and of its own studies of the public sector. The White Paper states that it is "a fundamental principle of Government policy that as far as possible those concerned should be encouraged to work out the detailed arrangements for themselves". The main provisions of the White Paper are summarised at Appendix B.

It should be noted that the White Paper does not refer to educational institutions.

C. THE POSITION IN THE UNIVERSITY OF SUSSEX

The Charter and Statutes

7. It is the Charter and Statutes which define the University, its objects and its form of government. Article 3 of the Charter ordains the objects of the University as being "to advance learning and knowledge by teaching and research, and to enable students to obtain the advantages of University education". The Statutes make clear that the University is not the sum of its 'workers'. Other legitimate interests and parties are involved varying from representatives of external bodies to the largest group of 'consumers' (i.e. students). Nor is the University a democracy: it is, for example, an essential feature that judgement in academic matters should be exercised by those qualified to do so. The University is the corporate body of selected members operating through machinery laid down in the Charter.

8. Statute II sets out explicitly who are the members of the University. They include the Members of the Court, Council and Senate; Members of the Academic Staff; the Professors; such other teachers and officers as shall under Ordinances and Regulations made by the Council be granted the status of members; the Graduates of the University; and the Undergraduates of the University. The concept of statutory membership is relevant to the discussion of those named as representatives; i.e., are all employees asking for such membership within the general ethos of the Charter or is the University being asked to recognise new parties to University government which are independent of the University (i.e., trade unions)?

9. It is with this in mind that the composition of the Court, the Council and the Senate should be examined, as prescribed respectively by Statutes XIII, XIV and XV, and as further described in Part II of 'The Organisation of the University'. Relevant points are that:

(a) there is no explicit provision for the appointment of members of staff to the Court, except those named as ex-officio Members under para. 1(i) of Statute XIII; but there is nothing to prevent a member of staff being appointed in his individual capacity under para. 1(i)(p) (where this may be relevant), or as a representative member appointed by one of those bodies or persons listed in para. 1(ii), or as one of the "other persons" who may be co-opted by the Court or appointed by the Council (in each case not exceeding twelve in all) under para. 1(iii). The provisions of Statute XIII, for as long as they remain unamended, exclude the appointment of members of staff to the Court by university trade unions - although in strict terms para. 1(iii) would permit the Court to agree to accept trade union representatives to a number of the places over which the Court has the power of co-option, or the Council to include such representatives among its appointees.

(b) There is similarly no provision for the appointment of members of staff to Council other than the named in para. 1(i) of Statute XIV, except in so far as use may be made for this purpose of para. 1(iii) (which excludes academic staff, as it reads "six persons, not being members of academic staff, appointed by the Court"), para. 1(iv) (nine members of the Senate appointed by the Senator), or para. 1(vi) ("such other persons not exceeding six in all, as may be co-opted by the Council"). The comments in the final sentence of (a) above apply, mutatis mutandis, to Council appointments in the same way as to Court appointments.
(c) Membership of the Senate is explicitly limited by Statute XV, except in the case of the Vice-Chancellor and the Librarian, to holders of academic posts. The election of non-academic academic faculty members (para. 1(v)) shall be "by the whole body of the full-time academic staff". Thus election to Senate by the relevant union (the AUT) is not permissible.

The Senate has appointed a Senate Committee consisting of all the statutory members of the Senate together with additional academic faculty members and twenty student members.

(d) Members of governing bodies in general fall into four categories: (i) ex-officio, (ii) representative, (iii) elected, and (iv) co-opted. The Statutes prescribe, in the case of (i), which posts shall qualify their holders for ex-officio appointment or, in one instance (XIV.1(iv)), authorize a specified body itself to determine such posts; and as regards (ii) prescribe the external or internal bodies or individuals authorized to appoint representatives. There is statutory provision for elections, (iii), only in respect of the Senate (XV.1(v)), and for co-option, (iv), by the Court (XIII.1.1(iii)(a)) and the Council (XIV.1(vi)).

Trade Union Representation on University Committees

10. The current representation of unions on University committees is summarised in Appendix C. It should be recognised that the extent of academic faculty involvement means that employee participation is far more widespread than trade union representation. The Safety Committee has not been included in the Appendix, since its composition is determined in accordance with the provisions of the Health and Safety at Work etc. Act 1974 and the Safety Representatives and Safety Committees Regulations 1977. As the question of the Safety Committee, with its own statutory requirements, is quite a separate one, no further reference is made to it in this paper.

D. GENERAL CONSIDERATIONS

11. There has been a wide national debate on the arguments for and against an extension of employee participation. These will not be repeated in detail in this paper: but attention is drawn to the following points which should be borne in mind in local discussions:

(a) As already noted, the Charter provides a clear statement of the purposes (teaching and research) for which the University was founded. These are paramount, and any changes made in the structure of the University ought to be designed to further these purposes or at least not to inhibit them.

(b) The structure of university government is functional. For example, the Council, being responsible for the management and administration of the University's finances and property and for ensuring accountability, has a majority of lay members and a minority of staff members: the Senate, being primarily concerned with academic matters, consists wholly of staff members concerned with such matters. Any changes in composition must therefore be justifiable on functional grounds.

(c) Each governing body has statutory responsibilities. It alone can decide how to carry out the policy laid upon it by the Charter and Statutes and to determine its business. While external groups are free to make representations to a governing body, the right to initiate items for discussion is exclusively for the chairman and members.

(d) This University, like other U.K. universities, already enjoys staff participation to an extent unknown in industry. This arises from the academic faculty membership of a wide range of committees although it raises the issue as to whether it is possible to decide when staff qualify for membership by reason of their representing expertise rather than the interests of a particular group of staff. What is now in question is whether there should be some change in the balance of that participation as between different categories of staff and in the method of their appointment.

(e) The size of governing bodies is of importance as well as their composition. They are already large, and any expansion which would result in a loss of efficiency in decision-making is to be avoided. In the case of Council, an increase in staff membership would be likely to make necessary an increase in the lay membership because of the reservations which the Privy Council is known to have on this question.

(f) Universities are national institutions, and the legislation constituting them (Charter and Statutes or, in some cases, an Act of Parliament) have much in common. The national implications of possible changes must not be overlooked - either for the universities or for the unions.

(g) While polytechnics and other public sector colleges are not directly comparable with universities in certain respects (e.g. as regards autonomy), the fact that some of them have a degree of representation of non-teaching staff on governing bodies is a relevant factor to be taken into account. Brighton Polytechnic, for example, has such representation of staff - but not of unions.
(h) In this University, while devices can be introduced in the short term to bring about changes without the necessity of amendments to the Charter and Statutes (as, e.g., in the case of the Senate Committee), those devices can be removed at short notice by the statutory bodies; and, in any case, such changes must be capable of being justified and susceptible to formal sanction by amendments to the Charter and Statutes in due course.

(i) It is generally recognised that increased participation by staff carries with it increased responsibility. Information-sharing and consultation are different matters but participation in decision-making means accepting responsibility. Similarly, members of a governing body, once appointed, are responsible to that body. Also, certain information before governing bodies may be confidential. That confidence must be respected by all members. Confidential information may not be divulged to external groups or persons.

(j) The main alternative methods open for increasing staff participation would appear to be (cf. para. 10(d)) by (i) University elections (e.g. representatives could be elected by all staff or by specified categories of staff); (ii) providing for additional representative members to be appointed (e.g. by prescribing that the trade unions jointly or individually may appoint a specified number); or (iii) agreement to limit existing powers of co-option to ensure that a specified number of members chosen under (i) or (ii) should be co-opted. Courses (i) and (ii) would require amendments to the Statutes; course (iii) could be taken administratively by resolution.

(k) Representation is not the only means by which staff can bring influence to bear in the decision-making processes. It should be seen as complementing (in the interests of the University as a whole), and not as replacing, the procedures which have been evolved for dealing with sectional interests by negotiation and consultation. A situation in which a group of staff has the right to initiate an item of business of their choice at any point in the governance machinery of the University and to remove it from that machinery at any point by placing it into the formal negotiation machinery is one which could quickly reduce both sets of machinery to chaos. If those rights were to be contemplated then appropriate codifications of business and guidelines as to their processing should be simultaneously considered.

E. SUBMISSIONS FROM THE TRADE UNIONS

12. Attached at Appendices D to I are copies of, respectively, a letter of 21st September from the Finance Officer to the secretaries of the University trade unions, and the five letters from the unions containing their proposals. The representation sought on governing bodies and certain other main committees of the University is summarised in the table below:

<table>
<thead>
<tr>
<th>Union Committee</th>
<th>AUT</th>
<th>ASTMS</th>
<th>NALGO</th>
<th>NUPE</th>
<th>Craft Unions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>1 x A</td>
<td>2 x B</td>
<td>2 x B</td>
<td>2 x B</td>
<td>1 x B</td>
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<tr>
<td>Court</td>
<td>2 x B</td>
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<tr>
<td>Senate</td>
<td>1 x A</td>
<td>2 x B</td>
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</tr>
<tr>
<td>Planning Committee</td>
<td>1 x A</td>
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<tr>
<td>Site Planning &amp; Buildings Committee</td>
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<tr>
<td>Council Committee on TCE</td>
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<td>2 x B</td>
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<td>1 x B</td>
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</tbody>
</table>

A = full member  
B = representative with speaking but not voting rights

13. The union submissions also contain certain related claims, together with comments or proposals made in response to the questions raised in the Finance Officer's letter of 21st September. These are as follows:
(a) Representation on sub-committees. The union should have a right to representation on certain other committees additional to those referred to in the table in para. 12 (ASTMS, NALGO and NUPE). ASTMS quotes as examples "Arts and Social Studies Committee, Science Committee, Science Deans Committee, Equipment & Furniture", adding that the level of representation is a matter for further discussion. The NALGO, in providing a similar list, gives "Area Committees, School Meetings and the Library Consultative Groups" but suggests that the list can only be vague at this stage, because "it is difficult to know which committees in the decision-making structure are of relevance" to their members. NUPE does not give examples but claims "the same participation" as on the main committees (i.e. representatives with observer status and speaking rights) on "any other committee where NUPE thinks there is interest to manual and ancillary staff". AUT seeks the right for their representative(s) to participate in the discussions of any University committee on items which the Association has itself initiated (see (b) below).

(b) Right to initiate items for discussion. AUT seeks this right both on governing bodies and on other committees, and equally the right "to make representations on items on the agenda and to participate in the discussion of such items".

(c) Access to papers and information. AUT asks for "agenda, supporting papers and minutes for Court, Council, Senate, Planning Committee, Arts and Social Studies, Education, Science, Site Planning and Buildings, and Equipment and Furniture Committees to be sent regularly to the AUT for information"; also "full access to the paper and decisions of all project teams and of all projects run by any committee in which AUT will be represented for advisory, strategic planning or similar purposes".

(d) Method of Appointment or Election. AUT, ASTMS, NALGO and NUPE explicitly, and the Craft Unions implicitly, claim that representatives of non-teaching staff must be chosen through union machinery. They do not see that the representation of non-teaching staff thereby raises problems any more than is the case under the present negotiating system whereby each union is recognised as the sole bargaining agent for all members of staff in the relevant category. Non-union representation is therefore not envisaged. The exact electoral procedures to be followed are not defined. These can be established once the principle of union representation has been accepted (AUT).

(e) Numerical representation on small committees. AUT, while not wishing to speak for other unions, favours separate representation for itself in all relevant cases and is opposed to combined representation. NALGO considers the best approach to be "for the unions to agree with the University on a total number of representatives to cover all the unions, and then the unions through the TULC to decide between themselves on the best representatives". The ASTMS proposal is along the same lines.

(f) Separate or joint discussions. NALGO wishes to "liaise, through the TULC, with the other campus unions to produce a unified policy on industrial democracy". The tenor of the AUT submission is opposed to this. Other unions do not refer to the issue.

(g) Mandating. NALGO and NUPE regard this as irrelevant or of minor importance, as they are not seeking voting rights. ASTMS says of their representatives, who "would have observer status with speaking rights", that "they would be responsible to the branch (having been elected from branch meetings), and would reflect branch policy, although they would act as individual members unless specifically mandated by a branch meeting." AUT, while not seeking any general provision for mandating representatives, would wish to keep open the option to do this on specific issues.

(h) Named Representatives. AUT, NALGO and NUPE are all prepared to accept this, but not ASTMS. The Association considers that "members of ASTMS who became University committee members should not be subjected to the same constraints as exist at present". It proposes that "ASTMS should be able to send alternates for particular meetings" and that "the University invite a specific number of unnamed representatives", agendas and background material, minutes etc. being sent to the Branch Secretary for distribution.

(i) Rationale. Most of the unions, in the course of their submissions, have stated their reasons for representation. "The rationale for such membership is that issues regularly arise in those committees which have implications for our members of a kind customarily the concern of trade unions and professional associations" (AUT). "Our basic aim is to give the University's clerical and related staff more information on decisions that will, directly or indirectly, affect their work life, and to provide them with at least a small voice in the decision-making processes" (NALGO, with very similar wording by NUPE). This is seen as only capable of achievement by using union machinery rather than by having a wider range of unelected individuals on committees. Representatives would put forward the unions' views and would report back on developments.

14. It will thus be seen that matters put forward by the unions for discussion and determination are not limited to the representation of non-teaching staff on governing bodies but also include at least the following:

(i) Representation on other University committees.
(ii) The method of appointment or election of representatives - including the means of selecting members in cases where the committee places available are less than the number of recognised trade unions seeking representation.

(iii) The right of unions to initiate items for discussion.

(iv) Access to papers and information.

(v) The form that the University's discussions with the unions should take, i.e. jointly or separately (on which there may be some division of opinion within the unions).

(vi) Certain miscellaneous questions e.g. mandation and named representatives.

F. INITIAL VIEWS ON A UNIVERSITY RESPONSE

15. As already indicated, the initial views which follow have been prepared as a basis for discussion since it is felt that, before any formal talks are undertaken, a period of opinion-formulating is desirable. This paper is therefore being widely published within the University. In particular, the Council Committee will wish to receive the views of the Senate and the Planning Committee, and it is hoped that other committees, groups and individuals will also do this. The Council Committee will provide its views to the Senate by submitting them to the Vice-Chancellor's Office by 31st May 1979. The trade unions may well wish similarly to consult more widely within the University during this period. The members and component parts of the University may feel that the facts and comments contained in Section C are such that the scope for further employee participation is more limited or more extensive than expressed in these initial indications, and the University therefore reserves the right to revise its input to the formal discussions if that turns out to be the case. In this connection, the key issue may prove to be the method of appointment or election of staff representatives (cf. para. 6(d) above and para. 17(c) below). Should it, for example, be accepted that there is a case for some expansion or adjustment of employee participation, then much would depend on whether the University view to emerge were in favour of elections by all staff of the relevant categories or of selection of trade union representatives by means of trade union machinery. Which of these two options were to prevail would fundamentally affect the nature and timetable of subsequent discussion and implementation.

16. The proposals which are prima facie unacceptable, as conflicting with the principles and considerations listed in Section D, are:

(a) Mixed systems of union representation. It is considered that, if different trade unions are to be represented in the same committee, one system only and not two should be followed (i.e. it would be wrong for one union to have voting membership but for another union to have an observer present with speaking rights). Additionally it is felt that the normal conditions of membership and attendance should be followed (e.g. members should be named individuals appointed for a fixed tenure).

(b) Representation on the Council Committee on Terms and Conditions of Employment (NUPE and Craft Unions). This committee exercises the powers of the Council as employer. It would therefore be as inappropriate for university staff to be represented on it as for the employer to be represented on the executive committees of the unions (cf. para. 11(b)).

(c) Representation on Senate (all unions except the Craft Unions) and its academic sub-committees. No universities except the Open University have representatives of non-teaching staff on their Senates. It is strongly felt that the only staff responsible for resolving academic matters should be those appointed to the academic staff.

(d) Right of unions (as against full members representing unions) to initiate items for discussion on University committees (all unions except the Craft Unions). In the view of the University, it is for each committee (or its senior committee) to determine how to carry out its responsibilities and how to conduct its business (cf. para. 11(c)). This need not inhibit unions from making representations to any committee, but the acceptance of those representations, and their scheduling in terms of time and priority, would be a matter for each committee and its officers.

(e) Right of unions to have observer or member representation on a wide range of committees on ad hoc demand (all unions except the Craft Unions). There are statutory and practical objections to this. The Statutes (e.g. XIV para. 7 and XV para. 5) and the "Organisation of the University" (para. 5 of Part One) prescribe the procedures to be followed in the establishment of committees, including the responsibilities of Council and Senate for the appointment of members. Moreover, business cannot be properly conducted if the size and composition of committees are not determined and known in advance and are liable to be changed in a haphazard way at short notice at any time. Further, if such a right were given to the trade unions why should it not also be given to other bodies (e.g. Schools of Studies)?
(f) The right to mandate representatives (AUT, ASTMS, Craft Unions). Mandation would be contrary to the principles and practices on which the government of the University is based.

17. Proposals which are regarded as susceptible to more profitable discussion are:

(a) Nature of representation. Attendance at meetings of governing bodies by representatives who would enjoy all the advantages of membership without its responsibilities would be alien to normal committee practice and would negate the main purposes of staff participation. The types of representation which could be considered, bearing in mind the comments in para. 16(a), are:

(i) Full membership

(ii) Observer status with speaking rights

(iii) Observer status.

(b) Representation on Council, Planning Committee and certain other committees (all unions). The aim of discussions should be to arrive at firm, but not immutable, agreement as to which committees are appropriate for a change in representation, in the light of points (b), (d) and (e) of para. 11. In particular, agreement would be needed on the number of representatives and on whether certain groups and units should have their representation reduced in order to create a balance of representatives. Any changes could then be covered by amendments to "The Organisation of the University".

(c) Method of appointment or election. The choice appears to be between the following (regardless of whether the nature of the representation is in category (a)(i), (ii) or (iii) above):

(i) election by the staff: some places might be open to an electorate composed of all categories of staff whereas others might be related to specific categories of staff (not necessarily the categories used for negotiation and conditions of work purposes, e.g. place of work might be the constituency base);

(ii) appointment or election by individual trade unions: apart from the points noted earlier (e.g. the CVCP opposition and the lack of any precedent on governing bodies) this method would imply at least one representative per union;

(iii) appointment of joint representatives by the trade union executive bodies acting in concert (which would be in line with the suggestion in the White Paper of May 1978 that responsibility for the allocation of seats for employees on boards might be in the hands of a Joint Representation Committee rather than of individual unions).

18. The Union proposals involve a change to the existing pattern of government in this University. The issues must therefore be studies as a whole, and not piecemeal. Studied as a whole, compromises on some of the above issues might emerge. For example, many members of the University might see the issues of the electorate and voting rights as being closely related, e.g. they might feel that union representatives should be non-voting observers but elected staff representatives should be full voting members.

19. At all stages of the discussions the University will also wish attention to be given to the question of how far proposed changes can be introduced within the existing provisions of the Charter and Statutes or, where this is not feasible, what the implications might be, e.g. what amendments to the legislation would be required (cf. para. 11(h)). These are matters which will have a bearing on the rate and method of introducing any changes which may be agreed.

G. CONCLUSION

20. Firstly, there is the question of the timetable. The attention of the Council was drawn to this paper at its meeting on 23rd March. The Senate (23rd May), the Planning Committee (22nd May) and the meeting of the Vice-Chancellor with representatives of the Campus Unions (provisionally fixed for 24th May) will have opportunities to consider the issues. Submissions from other bodies or individuals (as already indicated in para. 15) will also be welcome by 31st May. Depending upon the number and the content of these inputs, a consolidated report may be put to the Planning Committee (13th June), Senate (20th June) and Council (22nd June) which may then enable the Council either to formulate the University's position or to narrow down the content of further discussions.

21. Secondly, it is likely that the Council will wish to proceed on a pragmatic basis. University government in the United Kingdom has evolved on the basis of building upon successful experiments rather than by legislating on the basis of theory or principle. Thus, whatever be the views emerging from the forthcoming discussions, it is probably that the Council will choose to implement it through a step by step process, e.g. to give effect to that view in relation to a limited number of bodies for a limited period of time, and then review the situation in the light of experience.
22. Finally, the Council Committee hopes that the discussion of these issues will be firmly grounded in the purposes of employee participation. The provision of information to employees and their access to documentation is a matter which should be separated from the issue of participation. The issues surrounding employee and trade union negotiation rights and channels have already been separated from the topic of participation. The purpose of employee participation is to enable both the institution and the individual to benefit from employees contributing towards decision-taking according to their experience, abilities and interests.

March 1979
THE UNIVERSITY OF SUSSEX

EMPLOYEE PARTICIPATION

Conclusions of the report of the working party of the CVCP

The main conclusions of the report published in March 1978 (some two months before the publication of this Government White Paper in May) can be summarised as follows:-

1. The Government, apart perhaps from giving effect to Bullock-type proposals in the nationalised industries, is unlikely to introduce legislation except of a generally permissive and enabling character.

2. The principles on which university government is based are significantly different from those which apply in public and private industry. The main responsibility of universities is to further higher education and research, and their governing bodies reflect this: on the one hand their Councils and sub-committees of Council carry the responsibility of management in its wider sense, and on the other hand the Senates and their sub-committees have an essentially academic role.

3. The autonomy of universities is of prime importance. Each university, while remaining sensitive to current trends, must continue to evolve in the way which is most appropriate to its own individual circumstances.

4. In general Senate and Senate-committees are concerned with academic matters which are entrusted to academic staff. Unions in their evidence have either not wanted to seek representation on them or have shown no great desire to do so.

5. For Court and Council a university's decision whether to have non-teaching staff representation must depend on factors such as:
   - the views of unions and of other groups in the University
   - the need for the University to ensure the furtherance of its obligation to advance learning and knowledge.

6. It is important that the university retain a majority of lay members on its Court and Council.

7. Where it is agreed that members of non-teaching staff be elected to Council, the elections should be organised in such a way as to ensure that the members will be representative of all non-teaching staff. (The CVCP Report recognises that this is opposed to the general wish of the unions). No member of Council, once appointed, should regard himself as representing the interests of any particular group within the University.

8. Where a University wishes to extend membership of committees below the level of Council to non-teaching staff, the method of appointment can continue to be based on function, convenience and local wishes rather than on any general principle.

9. Universities should keep their machinery for collective bargaining and consultation under continuous review.

10. Universities should not now wait on events (because current studies in the public and private sectors are likely to prove largely inapplicable to universities), but should determine their own policies.
(a) On 23rd May the Government published its White Paper on industrial democracy (Cmd 7231) and it is to consult widely on its proposals. The White Paper states that it is 'a fundamental principle of Government policy that as far as possible those concerned should be encouraged to work out the detailed arrangements for themselves'. Where, however, voluntary agreement between employers and representatives of their employees cannot be reached, the Government proposes legislation which would give statutory "fall-back" rights to employees and unions.

(b) The main provisions of the White Paper, which does not refer to educational institutions, can be summarised as follows:

(i) Legislation will put employers of more than five hundred people in the United Kingdom under an obligation to discuss with employees before decisions are made all important proposals affecting them such as investment plans, mergers, takeovers and major organisational changes.

(ii) The Government has accepted the Bullock Committee's recommendation that trade unions in each company should form Joint Representation Committees and it is proposed that these JRCs should have the statutory right to require the boards to discuss company strategy.

(iii) No decision has yet been made about arrangements for safeguarding the confidentiality of information and the Government intends to consult further with the CBI and the TUC before legislation is introduced.

(iv) It is expected that in the majority of companies board level representation will develop through arrangements negotiated voluntarily and, to encourage such progress, the Government intends to legislate so that a two tier board structure with separate policy and management boards can be adopted in any company.

(v) Employees of companies with two thousand or more staff in the United Kingdom should be able to claim a statutory right to have board representation through the JRC which would have the right to require the company to organise a ballot of all the company's employees to decide whether they wanted to be represented on the board. The Government proposes that there should be a period of three or four years from the establishment of the JRC before the statutory right to board level representation comes into operation.

(vi) All directors on the top board, however appointed, will share the same legal duties and responsibilities and the Government believes that there should be no question of employee or shareholder directors being mandated to vote in accordance with the instructions of those by whom they are appointed. The White Paper recognises that further discussion will be needed before any decision can be made in regard to the responsibilities which might be given to trade unions for appointment of employee representatives.

(vii) In relation to the proportion of employee directors it is suggested that a first step would be to give employees the right to appoint up to one-third of the members of the policy board in the two tier system.

(viii) The Government wishes to avoid exemptions but will examine the arguments in the few cases where special consideration may be thought to apply.

(ix) The Government has asked the chairmen of nationalised industries to make joint proposals with the unions for further improvements in consultation and participation by August 1978.
Union representation on University Committees

1. The main committees on which trade unions are represented are the negotiating and consulting committees:

University-A.U.T. Joint Negotiating Committee for Faculty

For consultation and negotiation.
Consists of 4 (being revised to 6) University-side, and 4 (being revised to 6) A.U.T.-side members.

University and A.S.T.M.S. Joint Negotiating Committee

For negotiation.
Consists of 3 University-side and 3 A.S.T.M.S.-side members.

Clerical & Related Staffs Committee

For consultation.
Consists of 7 University-side and 7 N.A.L.G.O.-side members.

Clerical & Related Staffs Negotiating Sub-Committee

For negotiation.
Consists of 4 University and 4 N.A.L.G.O. members of Clerical & Related Staffs Committee.

Manual & Ancillary Staffs Committee

For consultation.
Consists of 8 University-side, 7 N.U.P.E. and one craft-unions-side members.

Manual & Ancillary Staffs Negotiating Sub-Committee

For negotiation.
Consists of 4 University, 3 N.U.P.E. and one craft-unions members of the Manual & Ancillary Staffs Committee.

Craft Unions Negotiating Sub-Committee

For negotiation.
Consists of 4 University-side and 4 craft-unions-side members.

2. There is also trade union representation on the following committees:


Accommodation Committee: two persons nominated jointly by the recognised trade unions. (Total 2).

Children's Facilities Committee: two of the trade union representatives on the Community Services Committee. (Total 2).

Catering and Services Committee: two members nominated jointly by the recognised trade unions. (Total 2).

Site Amenities Committee: one member nominated jointly by the recognised trade unions. (Total 1).

Counselling Services Teaching and Learning Sub-Committee: one member appointed by the President of the A.U.T. (Total 1).

Note: In the case of the Senate and Senate Committee, the President or the Secretary of the A.U.T. (if he or she is not already a member, and if he or she asks to attend) is normally invited to attend in his or her personal capacity and not as an officer of the A.U.T.
Appendix D

Copy of a memorandum dated 21.9.1978 from the Finance Officer to the
Secretaries of the University Trade Unions

Employee involvement in University Decision-Making Processes

At the Vice-Chancellor's meeting with campus unions I said I would formulate some specific questions which the University would like the individual unions to think about when considering their policy on employee involvement in the University's decision-making processes. The unions agreed to try and submit their views by the end of 1978.

The sort of union views which would be of particular interest to the University include:

1. What employee involvement in University decision-making (as opposed to information, consultation and negotiation) is envisaged by the unions?

   Membership of committees has been mentioned, but is any other kind of involvement proposed?

2. As regards membership of committees, the University would welcome the unions' views on such matters as:

   (a) the committees which the unions think it would be desirable for employees to have increased representation on? Every committee already has employee members. What is the perception of the unions of the status of those members in terms of employee representation?

   (b) the number of representatives of each category of employees on each such committee, and the rationale for such membership in relation to each committee's terms of reference.

   (c) the method of choosing the representatives; if unions wish to restrict themselves to union representatives a complete list of Committees and Consultative Groups is in the Organisation of the University which I attach, together with a list showing existing union membership of committees. However, even if unions stick to union representation, issues like which unions should join together (where it is proposed that there shall be less than one representative per union on any committee), which unions should nominate representatives (where it is proposed that not all unions should be represented), how the unions should choose their representatives, how to ensure representation of non-union members of staff, and other questions still arise.

   (d) whether these representatives should be delegates mandated by their unions, or whether once nominated they should act as individual members.

   (e) whether in relation to each specific committee these representatives should be full members with voting rights and responsibility for any decisions reached, or whether they should be observers or co-opted members and whether with or without speaking rights.

   (f) whether these representatives should in common with all other members be nominated by name, with alternates for particular meetings not being allowed.
Appendix E

Copy of letter dated 24.11.1978 from the Branch Secretary of the
AUT to the Finance Officer

Here is my reply, on behalf of the AUT, to your letter of September 21st asking for our views on a variety of questions about employee involvement in university decision-making processes. As you may be aware, the AUT discussed a number of relevant notions at its recent General Meeting, and these define our policy. The resolutions passed were as follows:

No. 1. The Sussex Branch of the AUT instructs its Executive Committee to forward to the University a request that:

(a) the Organisation of the University document be amended to permit the AUT: to initiate items for discussion on University committees if they fall within their terms of reference; and to make representations on items on the agenda and to participate in the discussion of such items.

(b) agenda, supporting papers and minutes for Court, Council, Senate, Planning Committee, Arts and Social Studies, Education, Science, Site Planning & Buildings and Equipment & Furniture Committees be sent regularly to the AUT for information.

No. 2. (a) The Sussex Branch of the AUT instructs its Executive Committee to seek the amendment of the Organisation of the University document to include one voting or non-voting member representing AUT on each of the following Committees:

(i) Court
(ii) Council
(iii) Senate

(b) The Sussex Branch of the AUT instructs its Executive Committee to seek the amendment of the Organisation of the University document to include one voting member representing AUT on each of the following Committees:

(i) Court
(ii) Council
(iii) Senate

No. 3. The Sussex Branch of the AUT instructs its Executive Committee to seek the amendment of the Organisation of the University document so as to give the member representing AUT on each Committee full access to the papers and deliberations of all project teams and other temporary bodies set up by that Committee for advisory, strategic planning or similar purposes.

No. 4. The Sussex Branch of the AUT instructs its Executive Committee at the appropriate time to establish procedures for choosing voting and/or non-voting Branch representatives on University committees in accordance with the foregoing motions.

In the light of these motions, I answer your specific questions.

1. The AUT would like to have a representative on each of Council, Senate and Planning Committee, and would like to have the power to raise matters for discussion and to take part in discussion of these and other matters of interest to it on any other committee where issues of concern to it may come up.

2. (a) The AUT does not regard AUT members who happen to be on committees in some other capacity as AUT representatives.

(b) The AUT has no policy on the representation on committees of other unions. Where we would like representation, we have asked for one member. The rationale for such membership is that issues regularly arise in those committees which have implications for our members of a kind customarily the concern of trade unions and professional associations.

(c) The AUT's policy is to ask for AUT representatives (except in those cases, not covered by the recent resolutions, where other arrangements already exist), not combined representation. The method of choice of such representatives has not yet been considered; the AUT Committee does not plan to discuss the matter until and unless the principle of representation is agreed. We do not feel that the question of representation of non-union members of faculty would be any more problematic in these cases than it is on the JNC.

(d) No general provision has been made for mandating representatives, though a General Meeting might choose to do so on a specific issue.
(e) The AUT proposal is that its representatives should be full members with voting rights. They would not, however, have any more responsibility for the decisions reached than other individual members do; no principle akin to "cabinet responsibility" is either enunciated in the Organisation of the University or as a normal convention observed in the university.

(f) These representatives should be nominated by name.

Appendix F

Copy of a Report from the Working Party of the ASTMS to consider the

Finance Officer’s letter of 21st September 1978

The report has been produced to answer the questions raised by the Finance Officer in his memo entitled "Employee Involvement in University Decision-Making Processes" dated 21st September, 1978.

In the view of the Working Party, the ideal form of employee involvement in decision-making processes would require informed discussions by members of the Campus Unions on matters affecting the welfare and interests of campus employees and parity representation (i.e. 50% trade union, 50% university administration) on those University Committees that make decisions affecting the welfare and interests of employees. We accept that such representation would not be possible to achieve at present.

However, this does not preclude involvement in the decision-making process. We propose that we should initially have two members of ASTMS on each of the following committees:

(a) Planning Committee
(b) Senate
(c) Council
(d) Court

These representatives would be elected from branch meetings, and would have observer status with speaking rights. They would be responsible to the branch, and would reflect branch policy, although they would act as individual members of ASTMS unless specifically mandated by a branch meeting.

We should also seek representation on certain other committees, e.g. Arts & Social Studies Committee, Science Committee, Science Deans Committee, Equipment and Furniture Committee. The level of representation on these Committees is something we have to discuss further and we are unable to make recommendations at this stage, apart from those committees that would become unwieldy due to their small size if there were one representative from each union; we propose that the total number of union representatives be agreed between the University and the unions, and that the unions, through the Trade Union Liaison Committee, decide between themselves on the appropriate representatives.

It is probable that for certain committees, we would wish to have voting rights, and this would obviously affect the number of representatives we should seek.

We do not consider that non-union members should have separate representation; Unions already negotiate on their behalf, and agreements apply to employees irrespective of union membership.

Lastly, it is the opinion of the Working Party that members of ASTMS who become University committee members, should not be subjected to the same constraints as exist at present for committee members; ASTMS should be able to send alternates for particular meetings. It is conceivable that pressure of work would preclude a representative from attending a committee, and we consider that employee participation would be aided if representatives could get experience of a variety of committees.

We propose that the university invite a specific number of unnamed representatives, and that agendas and background material, minutes etc. be sent to the Branch Secretary for distribution.

This report has not considered the existing representation of ASTMS members on various committees; we will consider this at a later date.
Appendix G

Copy of a letter dated 6.12.1978 from the Branch Chairman of NALGO to the Finance Officer

I am writing in response to your letter of 21st September requesting information on NALGO's attitude to employee involvement in University decision-making processes. Most of the questions you posed can be answered by quoting the resolution approved by this NALGO Branch on 23rd January 1978:

"This Branch notes the discussions on industrial democracy at the University NALGO policy weekend which recognised the desirability of an extension of industrial democracy in Universities. This Branch therefore recommends that:

1. There should be two NALGO representatives with observer status and speaking rights on a) Council, b) Senate, and c) Planning Committee.

2. There should be the right of NALGO representation on certain other Committees, for example Area Committees, School Meetings and the Library Consultative Group, and that the scope of these Committees should be extended where appropriate.

3. The Branch executive should liaise, through the T.U.L.C., with the other campus unions to produce a unified policy on industrial democracy."

We feel that point 1 is the most important of our demands. Point 2 is of necessity vague as it is difficult to know which committees within the decision-making structure are of relevance to our members due to the very fact that we are outside this structure.

This still leaves some of your questions unanswered; to answer these we first have to state the reasons NALGO are seeking representation on the above-mentioned committees. Our basic aim is to give the Universities clerical and related staff more information on decisions that will, directly or indirectly, affect their work life, and to provide them with at least a small voice in the decision-making processes. This cannot be achieved simply by having a wider range of individuals on committees. It can only be achieved by using the NALGO structure within which staff can discuss issues that are important to them, and can elect representatives who will put forward these views in committees and who will subsequently report back to the membership on developments. The specific question concerning mandating we see as being of minor importance in the light of the fact that our request is for observer status only, i.e. we are not asking for voting rights.

The problem of representation for non-union members we feel is covered by current practice. NALGO is the recognised representative at this University for all clerical and related staff: for example, Clerical and Related Staffs Committee agreements are applied to all relevant staff whether union members or not. We therefore do not see the need to make special arrangements for non-union members in relation to other committees.

In reply to the question relating to those committees which are so small that one representative for each union would be impractical, the best approach would seem to be to utilize the method already used on certain committees. That is, for the unions to agree with the University on a total number of representatives to cover all the unions, and then the unions through the T.U.L.C. would act as the channel for disseminating information back to the individual unions.

In response to the second half of question 2a, we assume this basically refers to academic staff now sitting on committees in an individual capacity. We feel that this in no way affects the request for NALGO representation on these committees.

Regarding question 2f, we are prepared to accept the present system of named representatives.

I hope this answers your questions adequately and that discussions on this issue will proceed as quickly as possible.
Appendix H

Copy of a letter dated 19.12.1978 from the Branch Secretary of NUPE to the Finance Officer

In reply to your letter dated the 21st September 1978, concerning employee involvement in university decision-making processes.

At our last A.G.M. we (N.U.P.E.) had a lengthy discussion on industrial democracy. The conclusion of the discussion was as follows:

There should be two N.U.P.E. representatives with observer status and speaking rights on Council, Council on Terms and Conditions of Employment, Senate and Planning Committee.

N.U.P.E. should have the right to the same participation as mentioned above, to any other committee where N.U.P.E. thinks there is interest to manual and ancillary employees.

Why N.U.P.E. are seeking representation on the above mentioned committees, is so that the manual ancillary employees will have more information on decisions that will, directly or indirectly, affect their work life, and to provide them with a voice in the decision making processes. We agree with N.A.L.G.O. that this cannot be achieved by having a wider range of unelected individuals on committees. But can only be achieved by using the N.U.P.E. structure within which employees can discuss issues that are relevant to them, and can democratically elect representatives who will put forward relevant views concerning N.U.P.E. Needless to say the representatives will be recalled to branch meetings for the purpose of reports and discussions.

Your question concerning mandating really has very little relevance in the light of our request for observer status. It would be a different situation if we were asking for voting rights.

Concerning the problem of representation for non-union members and the answer to that problem. The unions on campus are already recognised in procedure agreements as soul bargaining agents, whether nationally on pay or locally on terms and conditions of employment, of the employees in their particular sector(s). The percentage of non-union employees is in fact relatively small on campus. I would also like to add that I have never heard of a non-union employee refusing to accept an improvement negotiated by the union on their behalf. Non-union employees benefit, without lifting a finger or paying a penny to all the contributions in time, work and money, which to to make a union possible. On campus where there is no closed shop agreement, (this is their right). But let me make it clear that the non-union employee is free at any time to join the union and benefit from any other advantages the union may offer, i.e. education, free legal representation, discount schemes, certain money benefits paid out to members, and the right to elect or to be elected to sit on university committees. I am talking about a real freedom, since union subscriptions are fixed within members means by the members. This is not the pseudo freedom of low paid workers to own a big car or send their children to private schools.

In answer to the second half of question 2a, there is not a democratically elected manual or ancillary worker, or a non-union manual ancillary worker sitting on policy making committees. In answer to question 2f, we are satisfied with the present system of named representatives.

Appendix I

Copy of a letter dated 24.11.1978 from the Secretary of the University Craft Unions to the Finance Officer

Employee Participation in decision-making processes

Considering the long discussion at the VC meeting on the question of whether a delegate should have a mandate; it was agreed that having established guidelines, a delegate would then be free to apply them as he or she thought fit, according to ensuing debate and relevant information.

It was also agreed that observer status with the right to speak should be sought on the following committees:-

The Council
Planning Committee
Site Planning
Council Committee on Terms and Conditions of Employment.