

## **New JNCHES Review 2012/13 Report**

### **1. Background to the review**

The New JNCHES 2007 Agreement included the following commitment for a review:

The arrangements set out in this agreement will be the subject of joint review by the JNCHES in autumn 2011, in the light of experience in the period to that date.

The trade unions and employers held an initial scoping meeting in October 2011, followed by a planning meeting in February 2012; both of which were facilitated by Acas. These meetings led to agreed terms of reference for the review, which are included as appendix 1 to this report.

The terms of reference encompassed a set of overarching objectives and five priority areas for review, as outlined below.

Overarching objectives:

- To review the credibility of the machinery
- To ensure that the machinery is relevant to changes occurring in the sector
- To ensure that the process is as meaningful as possible and promotes meaningful negotiation
- To promote partnership working
- To make the process as efficient as possible
- To publicise good practice
- To explore understanding of constraints and parameters affecting the bargaining process

Priority areas for review:

- Trade union and employer side representation
- Trade union and employer side co-ordination and officer positions
- The issues for negotiation at New JNCHES
- The use of New JNCHES agreements and guidance, including the constitution
- Dispute resolution procedure

### **2. Timescales and format of the review meetings**

A review group was formed, made up of two representatives from each trade union (one Officer and one lay representative) and six employer representatives including members of the employers' side negotiating team and UCEA Officers. The members of the review group are listed in appendix 2.

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A review group was formed, made up of two representatives from each trade union (one Officer and one lay representative) and six employer representatives including members of the employers' side negotiating team and UCEA Officers. The members of the review group are listed in appendix 2.

The review group met three times between September 2012 and January 2013.

### **3. Outcomes of the review**

The review meetings provided an opportunity for useful discussion about the operation of New JNCHES and all the priority areas of the review. The review group considered the scope for amending the agreement. The trade union side proposed changes to the New JNCHES agreement, principally to increase the scope of the machinery and to the joint promotion of the outcomes of the national discussions, which the employers' side indicated that they could not accept.

However, a few minor amendments to the New JNCHES agreement were made.

The trade unions agreed to a new formula for their representation at New JNCHES meetings of 16 representatives, with the following distribution:

- 5 representatives from UCU
- 4 representatives from UNISON
- 3 representatives from Unite
- 2 representatives from EIS
- 2 representatives from GMB

It was agreed that Clause 5 in the Agreement would be updated to reflect the change in the overall number.

The trade unions agreed that the trade union side would have two joint secretaries, to be appointed from UCU and UNISON. The role of the joint secretaries will be to coordinate responses and presentations from the trade union side but will not be to make decisions on behalf of the trade unions. The trade unions also agreed to appoint a trade union side chair, who will be chosen from the Unite lay representatives.

When discussing the issues for negotiation at New JNCHES and the use of New JNCHES agreements and guidance, the review group agreed that an additional sentence would be a useful addition to the second bullet point of clause 8 of the Agreement. The new agreed wording to be inserted in clause 8 is:

"Identify areas of employment practice or data which both sides agree merit discussion and/or exploration, with the potential to produce material for dissemination to institutions."

The review meetings included useful discussions on the New JNCHES dispute resolution procedure. These discussions concluded that there was no need to amend the procedure as set out in Annex A of the Agreement.

The review group agreed that it would be helpful to see if a joint document could be produced to articulate the value of New JNCHES to its stakeholders. It was agreed that this exercise would be undertaken separately from the review of New JNCHES as it was beyond the terms of reference and therefore should not delay the conclusion of the review. A small working group will be set up for this purpose and will seek to agree a draft document which would be brought to a future meeting of New JNCHES for approval.

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