

3 May 2023

Dear Cardiff UCU Executive Committee

We write in response to your letter of 25 April 2023 regarding our message to staff dated 19 April and the linked FAQs which outline our policy on Industrial action, and in particular the response to UCU's marking and assessment boycott (MAB).

The University has always been clear that it rejects partial performance, and that staff members who tender partial performance have no legal entitlement to be paid. We can legally deduct 100% but have chosen, without prejudice to that right, to withhold a smaller proportion of pay at this stage while we monitor the impact on our students.

We are withholding pay for not fulfilling the contract. This is not punitive or a threat, as you have suggested in your correspondence. Our policies on withholding pay are clear and factual, communicated to staff, and aimed at protecting students. We have a duty to protect students and we are legally entitled to withhold full pay for partial performance of duties such as MAB. We respect employees' right to take lawful industrial action and, in turn, UCU needs to respect our right to withhold pay for staff not fulfilling their contract.

The policy that the University has adopted is in line with most others in the sector and is not intended in any way to suggest that we do not value our staff, nor that we wish to damage the good employee relations that exist here at Cardiff. Rather it reflects the serious nature of the action being undertaken by UCU and the potential detrimental impact on our students. We continue to add to our FAQs to support queries regarding the application of this policy, including addressing the key issues in your appendix.

We are deeply concerned about UCU's chosen action, which we feel is unfair to our students, particularly as they have already had their studies disrupted by the pandemic. It is disappointing for the sector that UCU is encouraging its members to take Industrial Action which targets those students who are looking to complete their studies. We believe that it would be more constructive and would better serve the interests of our staff and students, for UCU to call off this action and engage in the agreed discussions on non-pay related Terms of Reference.



Mae'r Brifysgol yn croesawu gohebiaeth yn  
Gymraeg neu yn Saesneg. Ni fydd gohebu yn  
Gymraeg yn creu unrhyw oedi.

The University welcomes correspondence in  
Welsh or English. Corresponding in Welsh will  
not lead to any delay.

Elusen Gofrestredig, rhif 1136855  
Registered Charity, no. 1136855

It is unfortunate that the boycott requires us to respond in this way and we are sorry that we find ourselves in this position. However, given the UCU action it is a decision that has been forced upon us and not one that we have taken lightly or relish.

Yours sincerely

University Executive Board