

23 June 2023

Dear Joey, Sandy, Paul and Cardiff UCU Executive

Thank you for your email following yesterday's constructive discussions regarding our policy on withholding pay in response to the Marking and Assessment boycott (MAB). Thank you also for the opportunity to explore actions which could resolve the situation we find ourselves in, although we all recognised that we are severely constrained by many matters outside our control. As you rightly note, there are many points of agreement between us, especially around the current and future challenges for HE funding and also the positive work we are jointly progressing here at Cardiff in order to support staff.

As indicated yesterday, we recognise your concerns regarding the varying impact of the MAB action on individual staff members, but we do not agree that this is the result of inconsistency in the application of our policy. Rather, it lies in the nature of the action. As agreed, the impact on our students is also variable and has the potential to have significant impact on future careers and progression. It is for this reason we are unable to amend our policy.

Our policy for the MAB therefore remains as outlined in our previous correspondence. We do not accept partial performance, which is a breach of contract. Where a breach does occur we reserve the right to withhold 100% of pay, however, in the first instance we are withholding 50% of pay from the date on which the staff member begins to take part in this form of action and making a discretionary payment of 50% of salary, but reserving our legal right to withhold pay in full. And as discussed any work that a staff member decides to carry out will be done on a voluntary basis with no legal entitlement to pay for that work.

In relation to the changes you have mentioned that may benefit staff, we can confirm the following:

- Staff receiving deduction in June, where there has been timely notification of their action, have already received email communications from their local HR contact regarding the start date of deductions, and offered the opportunity to



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.

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confirm their intentions regarding pension contributions. All individuals will be able to view their pay slips via the HR portal on Wednesday 28 June 2023 for details on their individual circumstances. As confirmed at the meeting, deductions taken in June will be for April and May, with June's deduction taken in July.

- Attendance at Exam Boards. The example raised by you at the meeting yesterday was specific to a Professional Services colleague whose only partial performance was their refusal to attend an exam board. As clarified this partial performance related to one day only as there were no other broader MAB activities. We can also confirm that having checked our records we have not been notified of any Professional Services colleagues' participating in the MAB at this time, however we will add this example to our FAQs.

Regarding the six points you have listed as areas for change in order for you to recommend to members to call off local strike action, we confirm the following:

1. Deductions reflect our position on rejection of partial performance and the serious impact this action is having on our students.
2. Deductions start from the point when marking is allocated and will continue until a member of staff resumes full normal working duties. This may also result from when marking is completed by another individual or when suitable mitigation is agreed by the relevant exam board which provides students with a complete and final transcript for the academic year.
3. See above.
4. Deductions already fall over a number of months as a result of the payroll deadlines.
5. The approach to pay deductions, i.e. 1/365, is as agreed with UCU previously.
6. We have endeavoured wherever possible to limit the impact of MAB on colleagues who are not directly participating in the MAB action and will continue to do so wherever possible.

Finally, we can confirm that we will be writing to staff shortly with further information on deductions and dates.

Thank you again for the opportunity to meet and for the constructive nature of our discussions.

Yours sincerely

University Executive Board