

Paul Bridge and Ruth Levin
Joint Union Side Secretaries
Joint Higher Education Sector Trade Unions

By email

20 October 2020

Dear Paul and Ruth,

JNCHES negotiating round 2020-21

Further to the New JNCHES meeting of 5 October, I am writing to set out UCEA's proposals in respect of the 2020-21 negotiating round.

As I wrote in my letter of 7 July, our members recognise and are genuinely grateful for the efforts of all staff across the higher education sector who have helped to meet the variety of challenges created by the pandemic. This crisis has underlined the extent to which our staff are our greatest asset. I want to emphasise that investing in our workforce, when conditions allow, is extremely important to our members. However, the circumstances surrounding this year's negotiating round have been without precedent. The fact that institutions have not been able to invest further this year, to the degree they would wish to, is a matter of deep regret for UCEA's members.

I would hope, though, that the trade unions recognise the very real attempts by HE institutions to minimise the impact of the pandemic crisis during an extended period of ongoing uncertainty. I also hope that the trade unions recognise and acknowledge the substantial efforts by institutions to operate safely and to engage with unions locally to ensure a safe return to campus. The pandemic has lasted much longer than initially anticipated and there remains no clarity concerning the length of time it will continue to affect the sector.

As we have previously stated, given the uncertainty which continues to face the sector, UCEA is not in a position to offer an uplift in pay for 2020-21, with the exception of addressing issues in relation to the National Living Wage. We note that the trade unions rejected the pay freeze. However, if circumstances allow, we are willing to think flexibly about when to begin the 2021-22 pay round. As you will be aware, the Autumn JNCHES meeting has been repurposed to formally reassess the financial impact of the pandemic upon the sector and the implications of this for the 2021-22 negotiating round. As we have explained in recent meetings, though, our members across the sector continue to face significant uncertainty and we will provide an analysis of this for the 5 November New JNCHES meeting.

Beyond the freeze on uplifting the pay spine for 2020-21, there were also a number of other items in your without prejudice proposals of 2 October. We are grateful to you and your trade union colleagues for clarifying further your priorities from among these proposals at our New JNCHES meeting on 5 October. As we have explained in recent meetings, the operating environment has become much more difficult for the sector since the submission in March of the trade unions' claim for this negotiating round. This not only places severe financial strain upon our member institutions, it also limits the capacity of institutions to engage meaningfully in new initiatives and activities which may be necessitated by other aspects of your claim.

This is not a position which employers wish to be in. We would, therefore, like to find a mutually agreeable basis upon which to conclude the 2020-21 negotiating round. While the capacity of our members to deliver within the 2020-21 round is limited, we will continue to do all we can to engage constructively despite the challenges we face.

The 2019-20 negotiating round

We note that the trade unions' without prejudice proposals from 2 October make reference to the "expectations' set out by UCEA" as part of the evaluation process for any joint work. Our understanding is that these expectations are those set out in UCEA's full and final offer of 1.8 percent overall and up to 3.65 percent for the lower paid in the 2019-20 negotiating round. If this is so, then we suggest prioritising the progression of the joint work in light of the changed circumstances since their publication. As we have previously discussed, it is important to understand the trade unions' priorities within those proposals. Your email of 2 October and the subsequent discussion on 5 October have been helpful in this regard. However, we feel the joint work would be best conducted within the context of a conclusion to the 2019-20 round. I would be grateful for confirmation that this is the trade unions' position.

If this is acceptable to the trade unions, our assumption, based upon our recent discussions with you are that the following areas would take priority in further joint work:

Casualisation

As you will be aware, we have previously offered an expectation that, with some legitimate exceptions, indefinite contracts be the general form of employment relationship between employers and employees in HEIs. We have also offered an expectation that HEIs minimise the use of hourly-paid employment to situations which are genuinely short-term and unpredictable or where such arrangements are mutually agreeable to both parties, and that local discussions take place between HEIs and trade unions with a view to eliminating or phasing out the use of zero hours contracts where possible by establishing alternative flexible employment arrangements. We would consider further joint work to establish a clearer picture of the use of zero-hour contracts across the sector.

Workload

The trade unions' without prejudice proposals include joint work and research into the changes to working practices and workloads as a result of the pandemic. UCEA has developed a number of case studies and resources which are relevant to this and we note that the without prejudice proposals cover a number of areas, including how management and unions have cooperated to agree changes and the impact of health and safety and risk assessment controls. We feel it would be positive for the sector to consider a project identifying positive practice of employer and union engagement to address the challenges created by the pandemic, particularly referencing how our jointly developed principles have been applied locally. We believe that this is an important proposal for joint work in addition to the expectations in UCEA's full and final offer on the 2019-20 round.

Pay gaps

UCEA and our members are committed to taking action to close the gender, ethnicity and other pay gaps. This commitment builds upon a range of previous work, including UCEA's own reports 'Taking action: Tackling the gender pay gap' and 'Caught at the crossroads: outlining an intersectional approach to gender and ethnicity pay gaps in HE'. Our previous comprehensive proposals included a joint task and finish group to develop an analysis alongside potential solutions for HEIs to consider as part of a checklist of materials. This work would also include case studies to highlight a broad range of potential solutions across the employment experience, from recruitment through to progression, the effect of career breaks and work on closing identified ethnicity pay gaps. We believe it would be a positive step for employers and unions to work together to conduct research into career progression for women and BAME members of staff and to engage in joint work to improve access to data sets across all grades and staffing groups.

In addition to the areas which overlap with the 2019-20 negotiating round, we also feel it would be important to carry out joint work on the following areas of the trade unions' claim for 2020-21:

Career development

Promoting career development is something which our members, as good employers, support. We would suggest the establishment of a working group to identify case studies from both within and outside of the sector which highlight positive approaches to career progression.

A national framework for a 35-hour working week

We propose research to establish the degree of variation in working week length between institutions. In the event that proposals were developed in respect of this claim, these could be considered, subject to consultation with our members, in a later year when financial conditions stabilise.

I accept that the proposals contained in this letter do not address all aspects of the trade unions' claim for 2020-21. However, I hope that the trade unions will recognise the high degree of uncertainty affecting the sector. I also hope that the trade unions will understand that, while the ability of employers is limited in this negotiating round, we are engaged in genuine attempts to provide stability for the sector and its workforce as well as the students who depend on all of those involved in the sector. If we are able to conclude the 2020-21 round on the basis of UCEA's proposals, which are made in addition to the separate joint work being undertaken regarding Covid-19, this will place the sector in a better position for future negotiating rounds.

Let me conclude by reiterating UCEA's ongoing commitment to New JNCHES and to national collective bargaining.

Yours sincerely,



Raj Jethwa

Chief Executive