

University and College Union

To: HEC

From: Jo Grady (General Secretary)

Agenda item:

For: decision

Subject: USS and Pay Report

Recommendations

USS

1. HEC calls action before Christmas in all of the USS branches that have crossed the 50% threshold
2. HEC asks the GS and HEC officers to prepare for a rebalot of branches whose turnout was below 50% but above 45%, to commence in January, subject to consultation with branches on the reasons they did not make threshold and the challenges and practicalities of rebalotting
3. HEC asks the GS and HEC officers to consult branches more than 5% away from the threshold on whether they would like to participate in the January rebalot

Pay

1. HEC schedules some initial strike action over pay, with possible later escalation, subject to review in January/February
2. HEC asks the GS to commit resources for local pay-related claims in branches that have reached the 50% threshold
3. HEC agrees that any ballot conducted over the 2020-21 JNCHES claim should be on an aggregated basis
4. HEC asks the GS and HEC officers to prepare for a rebalot of branches whose turnout was below 50% but above 45%, to commence in January, subject to consultation with branches on the reasons they did not make threshold and the challenges and practicalities of rebalotting
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1. Summary of results

1.1. This is an impressive set of results and a testament to the determination and skill of the union's members and staff.

1.2. As far as the pay and equality dispute is concerned, far more branches have cleared the 50% threshold and voted for industrial action than ever before. This cannot be put down entirely to pay turnout tracking USS turnout: we have also seen considerably improved turnout in the post-92s, both overall (41%, compared with 35% in the last disaggregated HE pay ballot) and in terms of the

number of post-92 branches clearing 50% (10, compared with 3). This is a credit to the work of activists in post-92s who have got their branches organised in very difficult conditions.

1.3. In terms of USS, the union has persuaded members throughout the pre-92 sector that the existential threat to their pension scheme has not dissipated. We now have a six-month window in which a number of large and strategically important branches can put pressure on employers.

1.4. The overall turnout figures are even more impressive than the number of branches over the threshold. The case for aggregating future ballots is getting stronger.

1.5. A couple of qualifications are needed, however. An overwhelming majority of branches still have no mandate for action on pay and equality, especially in the post-92 sector, and we do not yet have the critical mass of support for action on USS which we achieved in the 2018 USS dispute.

2. Reviewing the dual ballot plan

2.1. The worst fear of some who argued against simultaneous USS and pay ballots has not been realised: namely, that large numbers of members would choose to vote in one dispute and not the other. In general, turnout figures for each dispute have been similar. However, the dual campaign has had serious logistical and resource implications for the union. Campaigns, Membership, and the office of the GS have been under tremendous pressure, as have staff in the regions and devolved nations.

2.2. The GS's tour of branches had been planned in June as a USS-specific tour, with a tour on pay to be undertaken later in the autumn. HEC's decision at the end of June to run the ballots together required the GS to add post-92 branches. It required Campaigns and the GS's office to scramble to produce campaign materials tailored for post-92s and pre-92s, and it required Membership to process many more replacement ballot order forms and other requests than they would otherwise have had to. Similarly, the Bargaining and Negotiations team has had less time to commission and produce research and expert advice to inform the union's campaigning than they would have enjoyed if the disputes had been conducted consecutively. These challenges are likely to have had knock-on effects on the overall turnout in each dispute.

3. Campaign messages (pay)

3.1. In the pay campaign, UCU adopted a strategy of de-emphasising the headline pay claim and stressing all four elements of the claim: casualisation, workload, and equality as well as pay. Emails from head office devoted roughly an equal amount of attention to each part of the claim, and the GS's tour briefings stressed the three non-pay elements. Often the four elements were linked (with mailings and briefings stressing the ways in which pay inequality and precarity compound one another, for example).

3.2. Feedback from members was broadly positive. Although a small minority of members questioned the wisdom of including as many as four elements in one dispute, the number of

members asking the GS, via tour briefings, email, social media or other channels to concentrate more on the pay element was precisely zero. The overall shape of our campaign clearly reflected our members' experiences in the workplace.

4. Campaign messages (USS)

4.1. The USS campaign took place in very challenging circumstances. USS and employers had carefully engineered a situation in which they could appear to have learnt from the last dispute, paid heed to the Joint Expert Panel, and committed to preserving our pensions at an ostensibly minimal headline cost to members. All the evidence suggests that they are continuing on their trajectory towards the closure of the defined benefit element of the scheme, but it was not easy to convince our members of this fact without getting bogged down in the details of the last twelve months' negotiations. The challenge was exacerbated by the employers' late offer to cover 0.5% of members' contribution increases, which strengthened the impression they were already trying to give that the union was threatening to throw the sector into disarray over a trivial amount of money.

4.2. The GS and the Campaigns team dealt with these issues by calling attention to the incremental erosion of our pensions over time, since 2011; the very real threat that the first wave of contribution increases would force a significant number of members to leave the scheme and thereby undermine it for those who could afford to stay; the serious governance issues in USS that had been widely reported in the mainstream press; and, finally, the longer-term outlook, with USS scheduling even larger contribution increases that would almost certainly lead to benefit cuts and might even be upon us within the next twelve months. Given the circumstances, this was the right approach to take.

5. Looking backwards and forwards

5.1. Before it can make any decisions, HEC needs to be aware of the pressures which these disputes have placed, and will continue to place, on all parts of the union. It also needs to be aware of the short-term and long-term opportunities we may have for improving our bargaining position. The purpose of this section of the report is to show that we are developing and implementing a suite of approaches that will, in future, allow us to outperform this set of results.

5.2. The union has made a number of improvements to its GTVO operations which are reflected in these results. There is a group of strong, largely pre-92 branches that can consistently achieve a turnout over 50% in any given campaign, thanks to rigorous checking of confirmed votes, effective communications with members, and the use of departmental reps as well as committee members in door-knocking and phone-banking. Within this group, some branches (for instance, Heriot-Watt and Sheffield) have taken an organising approach which the whole union can and should continue to learn from.

5.3. As far as head office is concerned, we have done more than ever to inform and mobilise members. The following is a non-exhaustive list of activities which we added or expanded by comparison with previous ballots. For a fuller overview, see the supplementary note kindly prepared by Matt Waddup and Greg Barnett and included in the papers for this meeting.

- A dedicated press briefing by the GS on both disputes before the opening of the ballot, which generated further positive media coverage
- Targeted emails from the GS to individual branches, drafted by Campaigns with help from the GS's office, which often received higher levels of engagement than standard all-member emails
- Regular targeted emails from the GS to post-92 branches, again prepared by Campaigns in consultation with the GS's office, which again received high levels of engagement
- A tour of branches by the GS and attended by staff in the GS's office, with 29 branches visited during the ballot period. In several cases multiple meetings were held, covering anti-casualisation groups as well as the general membership
- Talking heads videos of members and recordings of briefings shared via email and social media
- Closer work with the NUS including a joint statement in support of industrial action
- New research on pay gaps for BME staff, precarity, and related issues, based on data purchased from HESA and presented via press releases (which led to extensive media coverage), GS emails, and infographics for sharing on social media and elsewhere
- More support promised from the Fighting Fund, by comparison with the 2018 USS dispute
- The GS's office ran a successful pilot test in 18 branches of a peer-to-peer texting service, ThruText, which has not previously been used by any union in an industrial ballot on this scale (alongside the Campaigns team's normal use of mass text messaging to members)

5.4. However, other initiatives which our teams considered using in this dispute, or might have used more extensively, had to be scaled down or left for future campaigns.

- More research relevant to either dispute could have been commissioned and deployed if the disputes had been run consecutively (e.g. research from First Actuarial on the effect of employer underpayments; further research using HESA data on precarity and inequality).
- More one-on-one meetings could have been held with Vice Chancellors and other employer representatives if the tour schedule had included fewer branches.
- More video content involving members, elected reps and officials could be produced and disseminated in future disputes, with the right time and resources.
- The CWU have made very effective use of live Q&A briefings broadcast to members via Facebook Live and other social media platforms. The GS intends to hold similar events in future campaigns. In general, while UCU's social media accounts have been very effective, we have not yet realised our full potential in this area – especially on platforms other than Twitter.
- We are very grateful to the elected negotiators and HEC members who gave up their time to visit and brief branches, especially those not covered in the GS's tour. These briefings were clearly effective and well received and the more of them can be organised next time, the better. However, next time round it would be worth ensuring greater central coordination of how the speakers are distributed across branches, based on whether branches are being covered by other visitors and GTVO efforts and how we think they are performing in terms of turnout. Too many visits were made to branches that did not need the extra support, and next time it would be useful if head office could play a more active role in advising speakers on where they are most urgently needed.

- The ThruText pilot mentioned above was very successful and the service will be a versatile tool for branches as well as head office to use in future campaigns. It could replace all of UCU's standard mass texting operations and some of our branch- and head-office level phone-banking. However, head office staff and branches will need to receive training and a lot of coordination will be involved. Moreover, we need to travel the same path as the CWU have done in recent years, and transition from having only 30% of our members' mobile phone numbers to at least 70%. That will take time.
- On a deeper level, UCU is currently reviewing its CPD and training offerings, with a view to encouraging better organising in branches. This is in line with the recent Congress Motion 45 (submitted by Sheffield). Again, it will take some time to move through committees and other internal decision-making processes, but it is being taken very seriously – not least because it complements the commitments made in the GS's election manifesto.

5.5. Apart from these new campaigning and organising initiatives there are also several administrative and bureaucratic measures the union can take that will improve turnout.

- Gathering better membership data between disputes and cleaning up existing data
- Faster and more accurate delivery of ballots
- Faster processing of replacement ballot requests
- Use of new technology to share data between branches and head office about confirmed votes, exclusions, leavers etc.

5.6. All of these involve liaising with multiple UCU departments to understand their resource needs and with external parties, e.g. ERS. Some of them intersect with ongoing longer-term reviews of our IT and membership services.

5.7. Last of all, there are changes which we can make in future ballots, especially over pay, which are likely to encourage more members to vote and to take effective action, but which cannot be implemented in this phase of either dispute:

- Members have called, through various channels, for the pay claim to be more specific and concrete, particularly regarding the three non-pay elements. This input aligns with the GS's manifesto and needs to inform the next annual JNCHES claim, but it is too late to have any bearing on the current dispute, which members seem to feel has been framed in an overly open-ended and non-committal way.
- As far as both ballots are concerned, there is scope to expand our definition of ASOS and use it more effectively, in line with (e.g.) the recent HEC motion submitted by Jo McNeill. However, the legal issues involved are complex and involve ongoing consultation with our advisers. In any case, the definition provided in the inserts accompanying ballot papers for this dispute was relatively limited. This means that it is too late for the union to call for more innovative forms of action without incurring legal challenges from employers.

5.8. In other words, UCU is making a number of changes that have already started leading to improved turnout and will bear more fruit over the longer term. The turnout figures achieved in these ballots are a floor rather than a ceiling. However, most of those changes will take a lot of time: several will take up to a year, and most of the others will take months rather than weeks.

6. Next steps and recommendations (USS)

6.1. Clearly, we are in a position to schedule immediate action over USS. A few words of warning are needed: support for action is lower overall than it was in 2018, and a few key branches have missed the turnout threshold and will need to be reballoted at some point. We cannot be complacent. We must treat the coming months not only as a period of industrial action but also as a period of ambitious public campaigning, with every possible form of leverage used to highlight the destructive role of USS and our employers' complicity in it. We must also work quickly and effectively to explain what is at stake to our students, the general public, and the press, as successfully as we have done to our own members. We will have to fight for attention in the midst of a General Election campaign, although this can be used to our advantage if we are careful.

6.2. HEC is invited to consider the question of rebaloting branches that came within touching distance of the 50% threshold. The branches that narrowly missed the turnout threshold worked very hard to get as far as they did. There is a risk of fatigue setting in, and in any case there is no time for branches to be reballoted and join any action that takes place before Christmas. Equally, it will be a challenge for staff to provide the resources necessary to manage a large-scale dispute and a rebalot at the same time. Previous reballots that took place while action was happening elsewhere (i.e. in the 2018 USS dispute) were very unsuccessful and concluded with little, if any, improvement in turnout.

6.3. With that in mind, it is recommended that:

1. HEC calls action before Christmas in all of the USS branches that have crossed the 50% threshold
2. HEC asks the GS and HEC officers to prepare for a rebalot of branches whose turnout was below 50% but above 45%, to commence in January, subject to consultation with branches on the reasons they did not make threshold and the challenges and practicalities of rebaloting
3. HEC asks the GS and HEC officers to consult branches more than 5% away from the threshold on whether they would like to participate in the January rebalot.

7. Next steps and recommendations (pay)

7.1. As far as pay is concerned, the situation is more complicated. No amount of rebaloting will put the union close to a position where half of the members balloted will have voted for strike action. Any action that does take place, moreover, will still be concentrated in USS branches. After those post-92s that made the threshold, there are not many large post-92s that are within reach of 50%. Moreover, the largest post-92 branch that did make threshold, Sheffield Hallam, will be preoccupied with its arguably more urgent local workload dispute (the ballot for which closed on 18 October). The union is not within sight of effective industrial action in post-92 universities in this dispute. The only hope of achieving such action in the near future will be through an aggregated ballot.

7.2. This will only change if UCU changes its campaigning, organising and GTVO activities in this area, involving the various initiatives listed earlier in this report.

7.3. This report therefore makes several proposals for the pay dispute. First, the national dispute should be continued, with some form of industrial action scheduled within the six-month strike mandate. However, the nature of the leverage which the union now has over employers is less clear than it is in the case of USS. It is also less clear what would constitute 'victory' than in the case of USS, especially given that members rightly expect UCU to achieve concessions in all four areas of the pay claim. Furthermore, there is no need, and little if any time, for large-scale action to be called before Christmas, assuming that HEC adopts the recommendations for action in relation to USS that are laid out elsewhere in this report. Whatever form the action takes, it should be more staggered than the action that was taken over USS in 2018, and designed to escalate steadily through next term. HEC might in any case wish to see how the USS dispute develops and wait until the New Year to make any firm decisions about action over pay.

7.4. Second, HEC needs to consider the merits of reballoting branches for this pay dispute. For the same reasons outlined above in the case of USS, HEC is advised to postpone any reballots until the New Year. We cannot discount the problem of fatigue in branches. This was clearly an issue in the last rebalot in January-February 2019 and will be if we launch an immediate rebalot now. Several large and strategically important branches that failed to make threshold are suffering from high rates of turnover on their committee, activists lost to mass redundancies, and other local issues that cannot quickly or easily be overcome. Everyone, in head office, in regions and nations, and in branches, will benefit from at least a few weeks' breathing space before balloting again. HEC should also consult branches that did not reach the threshold on their appetite for another ballot.

7.5. Third, those branches that did make threshold should be encouraged and resourced to take advantage of that success by submitting and pressing local claims on issues relating to one or more of the three non-pay elements of the national claim. This will include strong national support for Sheffield Hallam's path-breaking local workload dispute.

7.6. Finally, HEC should be confident that the union is now able to achieve an overall turnout of 50% in a pay campaign, and should therefore plan for an aggregated ballot the next time the union has to enter into dispute with employers over pay. An aggregated ballot is UCU's best chance of mobilising the post-92 sector, in particular, by enabling branches that have trouble getting organised and building turnout to take action, grow their membership, and help the whole sector achieve national agreements on workload, equality, and job security.

7.7. It is therefore recommended that:

1. HEC schedules some initial strike action over pay, with possible later escalation, subject to review in January/February
2. HEC asks the GS to commit resources for local pay-related claims in branches that have reached the 50% threshold
3. HEC agrees that any ballot conducted over the 2020-21 JNCHES claim should be on an aggregated basis

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