

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

By email

21 January 2021

Dear Paul and Ruth,

Conclusion of the dispute resolution procedure – JNCHES negotiating round 2020-21

I am writing following the second dispute resolution meeting which took place on Tuesday 19th January 2021. This was the last meeting called under the New JNCHES Dispute Resolution Procedure. At the conclusion of the meeting the employers agreed to write to you to acknowledge that the dispute resolution process has been exhausted and to restate our final offer.

In putting this offer in writing once more, we feel it is important to emphasise again that our members recognise and are grateful for the efforts of all staff across the higher education sector who have helped to meet the huge challenges created by the pandemic. As we have previously written, investing in our workforce, when conditions allow, is extremely important to our members. This year our members have had to take the difficult decision to focus on the sustainability of the workforce and their institution.

As we have previously stated, given the uncertainty which continues to face the sector and has been heightened under the current lockdown, UCEA is not in a position to offer an uplift in pay for 2020-21. If the trade unions are able to note the freeze on the uplift to the pay spine, as UCEA would note the unions' extreme disappointment at this approach, we would like to suggest joint work in relation to the lower end of the pay spine and in respect of a number of other issues highlighted in your claim.

Living wage and pay spine compression

The higher education sector's aspiration to maintain its reputation as one of good and exemplary employers has not been diminished, despite the challenging circumstances created by the pandemic. We recognise that the impact of the freeze on the pay spine has put some pressure on that aspiration, particularly in respect to those members of staff on the lower points of the spine. As you will be aware, a joint working group of JNCHES has met to discuss compliance with this year's uplift in the statutory living wage but, just as importantly, to examine issues relating to compression at the lower end of the pay spine.

While adoption of the voluntary Foundation Living Wage is a matter for individual institutions, we will provide detailed proposals to the working group on how we intend to advise institutions to maintain compliance with the uplifts in the statutory National Living Wage and, should they wish to do so, the Voluntary Living Wage from 1st April 2021.

In relation to pay spine compression, the working group's focus should include exploring the drivers of pay spine compression, exploring the current mechanisms in place to ensure differentials between pay points and modelling the impact of uplifts at the bottom of the pay spine on differentials between staff and supervisors. Our intention would be to begin work quickly on this important area of work and to make recommendations to New JNCHES in the next negotiating round.

Other employment issues

In addition, if the trade unions are able to note the freeze on the uplift of the pay spine and hence enable UCEA to bring the 2020-21 pay round to a conclusion, we propose to continue as a priority joint work on the following important issues highlighted in your claim:

Casualisation

Our expectation is that, with some legitimate exceptions, indefinite contracts should be the general form of employment relationship between employers and employees in HEIs. We also expect HEIs to 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 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.

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'. We propose 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.

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 hope that the trade unions will recognise the unprecedented nature of the circumstances surrounding the 2020-21 negotiating round. Employers are engaged in genuine attempts to provide stability for the sector. If we are able to conclude the 2020-21 pay round on the basis of these proposals, which are made in addition to the separate joint work being undertaken to support staff and students through the pandemic, our hope is that 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, as well as our respect for the consultative and democratic procedures which are critical to both parties.

Yours sincerely,

A handwritten signature in black ink that reads "Raj Jethwa". The signature is written in a cursive style with a horizontal line underneath the name.

Raj Jethwa
Chief Executive