



Higher Education Joint Unions' Claim 2022/23

Heads of Claim

1. A pay uplift that is, at least, inflation (RPI) plus 2%, on all pay points, to keep up with the cost of living and to catch up with pay lost over previous years;
2. A minimum wage of £12 per hour for all;
3. An increase in all pay-related allowances including London weighting;
4. For all universities to become Living Wage Foundation accredited employers ensuring that outsourced workers receive, at least, the relevant Living Wage Foundation rate of pay;
5. An agreement to jointly undertake a fundamental review of the New JNCHES HE pay spine to be concluded by 2024. The remit to include: the number of pay points; addressing low pay and the ways in which grades at lower levels have been impacted in recent years; additional head room at the top of the scale, ensuring fair and equitable differentials between pay points; ensuring incremental grades at all levels; addressing the grade structure across the pay spine. This review should follow the principles set out in the National Framework Agreement.
6. For the standard weekly full-time contract of employment to be 35 hours per week at all higher education institutions with no loss of pay;
7. New JNCHES to establish working group/s to look at career development, progression issues and training opportunities in higher education for staff in all grades;
8. Ending pay injustice – meaningful, agreed action to tackle the ethnic, gender and disability pay gap; additionally, to take an intersectional approach to the ways in which intersectionality and protected characteristics impact on pay equality;
9. Agreeing a framework to eliminate precarious employment practises and casualised contracts, including zero hours contracts, from higher education; converting hourly paid staff onto fractional contracts; agreeing national guidance to end the outsourcing of support services in higher education and to bring staff into in-house employment;
10. Meaningful, agreed action to address excessive workloads and unpaid work; action to address the impact that excessive workloads are having on workforce stress and mental ill-health; that workload models and planning take into account COVID pandemic related changes in working practices;
11. To establish the Scottish sub-committee of New JNCHES as set out under the New JNCHES agreement;
12. A UK level higher education redeployment facility for those whose jobs are at risk of redundancy.

Introduction

The past two years have been dominated by dealing with the impact and consequences of COVID both within the sector and across wider society. HE staff have been magnificent in how they have responded and adapted to the pandemic, managed significant changes to the way they work and ensured the highest possible levels of student support and learning experience.

HE remains a real success story despite the very serious and varied challenges of the past few years. The attractiveness of HE has not diminished and demand for university places has, in fact, increased. UK HE is a continuing success story, and that success is a testament to the dedication, professionalism and flexibility of the staff that work in many varied and important roles supporting students and learners in reaching their potential.

This negotiating round will take place against a cost-of-living crisis. The ongoing and predicted rise in inflation will bring into sharp focus the ongoing decline on the wages of HE staff. In addition, staff will be facing a rise in National Insurance contributions from April 2022 of 1.25% meaning a cut in take-home pay will already have been implemented before the next pay rise is due to be implemented.

The zero % pay offer made by employers in the 2020/21 New JNCHES round was unprecedented. All unions rejected it, large numbers of members felt insulted by it. Last year's round resulted in another rejected offer of 1.5%, some way below the average cost of living increases for 2021/22.

Serious questions are being asked about New JNCHES and its failure regarding pay in the sector. This is a concerning development for a national agreement that is held up as an example of good practice. It's time for New JNCHES to deliver for staff in the same way staff have delivered for the sector.

This joint trade union claim is submitted against a backdrop of yet another dispute on pay and related matters in higher education. This is the seventh failure to reach agreement in the last eight years.

It is the collective view of the trade unions that we need New JNCHES to deliver for all staff in the sector and that the pay offer needs to address a number of important issues that impact on members' daily lives. This jointly agreed trade union pay and equality claim is a claim for all staff in higher education. Our claim is timely and serious and argues the case that all staff deserve a decent pay rise that keeps up with the increasing cost of living as well as catching up with pay lost over the past ten years. Whether HE staff work in pre- or post-1992 universities, the contribution of all staff should be properly recognised and rewarded and their collective contribution to higher education should result in net pay rises not pay decline.

The unions believe that reaching an agreement on this claim will start to address falling standards of living, pay equality, precarious employment and increasing workloads. All of these are issues in our claim that need to be addressed and we challenge UCEA to be bold in responding to each of them and employers to invest in their staff.

This claim has the support of the five trade unions and is designed to set out a framework for positive dialogue on ways in which a number of employment-related and equality matters can be addressed. These elements have been included as the unions still strongly believe that jointly addressing these elements of the claim will bring benefits to our members' working lives as well as to higher education institutions.

Universities rely on the goodwill of all employees. Staff regularly work in excess of their contracted hours and have done so without an increase in their pay. The pandemic has highlighted just how much employers have needed this additional extra contractual commitment from their staff. It's now time for that commitment to be rewarded.

The joint unions are now challenging universities to address pay that has significantly fallen behind inflation, to address the gender, ethnic and disability pay gaps, precarious working practices, significant increases in workload and the growing divergence between nations. The unions are also calling for a national framework agreement that will deliver parity between institutions to ensure that the full-time contract used by all universities is based on a 35 hour working week as standard (pro-rata accordingly for part-time employees).

We believe that there would be merit in individuals and institutions having a degree of certainty around financial and workforce planning at a time when much else is uncertain. An early settlement would achieve this.

Background

The joint trade unions acknowledge there is uncertainty facing the sector. However, record numbers of UK and international student want to study in the UK. In 2020/21 student numbers rose by 9% overall with a 16% increase in first year post-graduate students and an 11% increase in part-time undergraduates¹. Both UK and international demand for undergraduate courses increased with a 4% rise in overseas students. Our claim is a reasonable one in this context. We also know that the demand for HE continues to be high and that increasing numbers of school leavers are applying to study in higher education every year and that UK undergraduate demand is projected to increase significantly in coming years.

Employers cite uncertainty as a key variable in their financial caution in relation to a pay offer. And whilst these uncertainties have existed for some time they have not led to significant caution and/or restraint in relation to university expenditure on capital investment and senior leadership pay in previous years. It's important to bear in mind that the pay offer in 2021/22 resulted in another pay cut when considered against all measures of inflation.

The joint unions believe that meeting the claim in full will start the process of eliminating the losses in pay due to sub-inflationary increases over the past eleven years.

New JNCHES negotiations can and should result in decent pay increases and not real terms decline. The trade union side want national bargaining to be undertaken in good faith, to be productive and effective. However, for the bargaining process to work and for trust to be rebuilt in this process, it needs to result in outcomes that recognise the real value of the contribution of staff. A pay offer that does not deliver this message raises concerns about the effectiveness of New JNCHES. It also leads to inevitable rejection, and often to a dispute, which does members, employers and the sector avoidable harm. The joint unions are challenging the employers to be ambitious this year and work with us to addresses a range of structural issues within the sector so we can reach agreement on dealing with low pay and pay inequity, reducing casual contracts and tackling excessive workloads.

Annual Pay Uplift

The trade unions are seeking a positive response from the employers to our claim at the first New JNCHES meeting on 30 March 2022. We are seeking an increase to the pay spine that addresses the following issues for 2022/23:

The value of members' pay has significantly declined over the past 13 years and continues to fall. Since 2009, the cumulative loss to pay, compared to rises in RPI, is 19.7%. The difference between RPI growth and HE pay growth is 28.2%, as shown on the table below.

In 2022, more than ever before, it is the trade union side's view that these, and future, negotiations should start from the basis that existing salaries must be increased by at least the RPI as the opening position and, thus, keep up with the rising cost of living.

¹ HESA, January 2022, <https://www.hesa.ac.uk/news/25-01-2022/he-student-statistics-202021>

The joint trade unions could consider a multi-year settlement if an appropriate offer was made. Any such settlement would need to be pegged to RPI, annually reviewed and adjusted to ensure its value remained consistent throughout its duration.

The urgent need for a decent and meaningful pay rise is articulated best by those working in universities. The following comments are from UNISON higher education members' survey 2022:

"I recently couldn't afford to get my prescription so had to go without"

"[I'm] Now having to consider a second job to keep up with the cost of living"

"I feel that I am watching the pennies all the time and that I cannot save anything or don't have the money to do nice things because I want to keep money for all the basics."

This section of the pay claim comes under section 6, first bullet point of the New JNCHES Agreement, 26 March 2013.

Headline pay uplift

The joint trade unions are calling for a pay rise of at least inflation (RPI) plus 2% for all staff covered by the national higher education pay spine to be underpinned by a minimum rate of £12 per hour.

Low Pay and the Living Wage

Ensuring that the Living Wage Foundation (LWF) rates are paid to all on campus, including directly employed staff and those employed by contractors and arms-length bodies, makes sense. It makes sense for individual employees – lifting them and their families out of poverty pay - and it makes sense for the employer by improving motivation and retention rates. This is especially important in jobs that are on lower grades and where staff may choose to leave to work at other local employers that are paying more. It makes sense for the local community and economy and helps universities to deliver on their civic commitments. According to a survey by the Living Wage Foundation 86% of businesses who sign up to the LWF say that it has improved the reputation of their business, 76% say that it has improved motivation and retention rates, 93% of university students want to work for living wage accredited employers. Additionally, 79% of students think badly of an employer if cleaners and canteen staff, for example, do not earn the Living Wage Foundation rates.

There are currently 57 accredited FLW universities within national pay bargaining, still leaving just under two thirds of universities yet to sign up. According to UNISON's 2022 FOI data there were at least 6,000 staff employed directly by universities earning below the Living Wage Foundation rates.

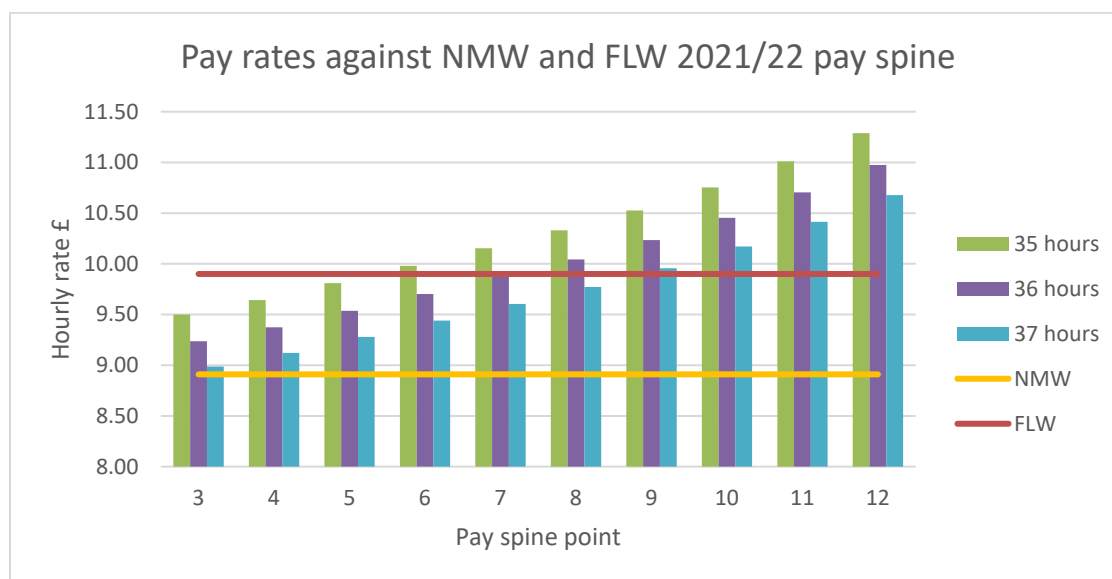
The LWF rate is currently £9.90 per hour (outside London; and £11.05 in London) as announced in November 2021 and to be implemented by May 2022. Currently the lowest national HE pay point, SCP3 on the national higher education pay spine, has an hourly rate of just £9.01 for those on a 37 hour contract and £9.26 for those on a 36 hour weekly contract. In fact, it is not until SCP 9 that all employees working in an HEI will receive at least the Living Wage Foundation rate, as those on a 37 hour per week contract have an hourly rate that is only just above the Living Wage threshold (SCP 9, 37 hour week earn £9.98). An increase of a minimum of RPI at the current rate of 7.8% plus 2% is required to ensure that SCP 3 is increased to the FLW rate for those working a 37 hour week on the bottom pay point. Thus, significant progress needs to be made to address poverty pay in the offer for 2022/23 on all of the lower pay points.

According to UNISON's latest data there are approximately 3,000 staff working on a 37-hour week employed on SCPs 3-6 and will, thus, be earning below the new National Minimum (Living) Wage.

The joint unions believe that £12.00 per hour should be the minimum pay rate for all staff employed by universities. The unions believe that this is fair and reasonable and represents the minimum that HE employers should do to address poverty pay in the sector.

As cited previously, our current prime minister stated "...I was very proud that when I was running London we massively expanded the (Foundation) Living Wage, and we made sure that it was paid not just by the GLA bodies, but by their contractors as well. And that is what we should be doing.". This claim calls on UCEA to follow the example set by Boris Johnson and to ensure that HEIs and contractors operating in HE all pay their staff at least the Living Wage Foundation rates.

The sector urgently needs to address what is now poverty pay for those on the lower pay points. These are the very staff whom universities have relied on so heavily to deliver services during the pandemic – the cleaners, caterers, library shelves and many more – who continued coming onto campus and into halls at the height of the pandemic. To not give these staff, and all higher education staff, a decent pay rise would be a matter of shame for the sector. Universities are key employers in our communities and important institutions. Our members are proud to work for their university and their pay should reflect the pride that universities have in their staff.



Pay spine review

In recent years it has become apparent that as pay increases have not kept up with the rising cost of living that this has directly impacted on the sustainability of the bottom end of the pay spine. For the past few years the lowest pay points have needed to be raised, or eliminated altogether, in order to comply with the government’s minimum wage. Whereas in the past the lowest pay point was comparable to the Living Wage Foundation rate, this is no longer the case, and certainly not for those working a more than a 35-hour week – the majority of the sector.

The joint unions believe that there should be short term steps taken to urgently address the bottom end of the pay spine to ensure that HE employers are, at the very minimum, keeping up with the Living Wage Foundation rates irrespective of standard working hours contracts. We also believe that there should be joint work undertaken to ensure that the national pay spine provides universities and their staff with a suitable and sustainable national pay spine for the coming decades. With the reduction in pay points at the lower end, the reduction in differentials between SCPs, the removal of some increments from grades by HEIs, the time has come to review the national pay spine.

We believe that this review should work within the principle established by all partners in the National Framework Agreement.

The rationale for differentials in the pay structures is important, particularly at a time when our members are taking on more duties as HEIs restructure and make cuts in staffing. In recent years the outcomes of New JNCHES have resulted in the pay spine differentials not being consistent throughout

the spine, which impacts on equality, fairness and consistency grounds. The unions are calling for a restructure of the pay spine to restore the even incremental gaps throughout the pay spine and address the issues of pay compression that exist. Given the high levels of uncertainty affecting the sector, differentials need to be predictable over time rather than being eroded.

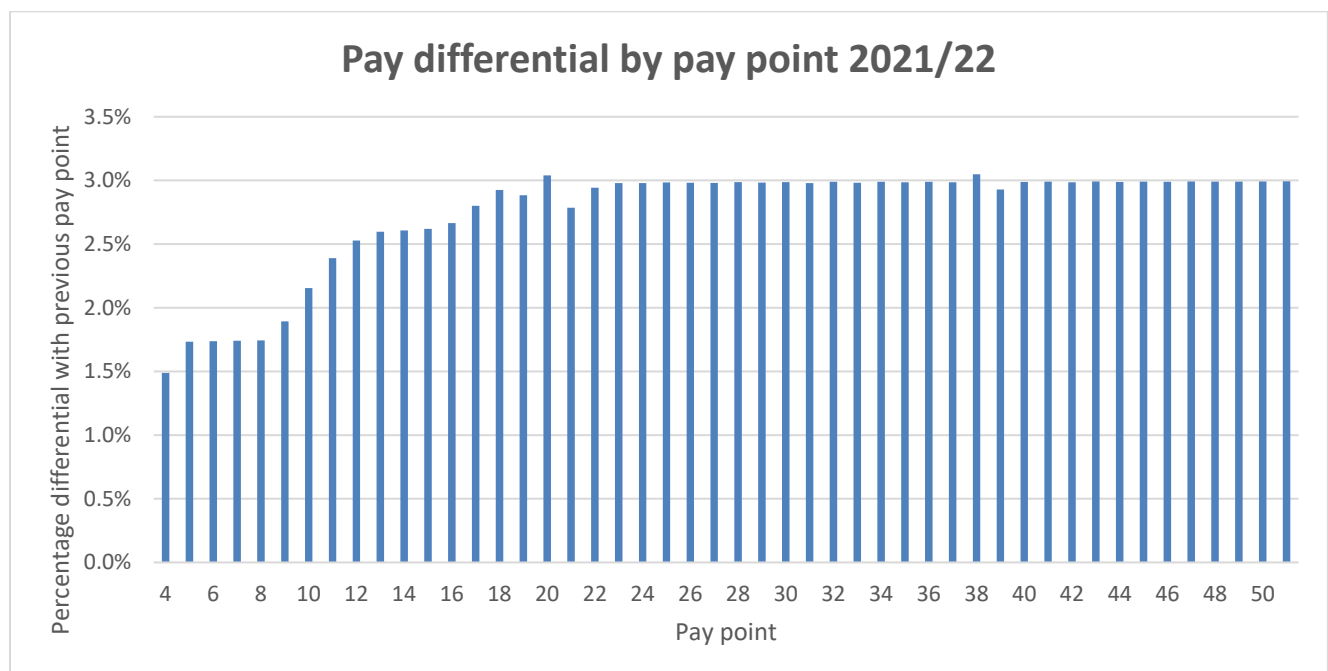
The principle of ensuring that all staff were employed on grades with incremental progression was an important element of the National Framework Agreement and one which the unions believe needs to be carried forward. With universities needing to take action to address poverty pay, there are an increasing number of staff who are not employed on incremental grades and the majority of staff have reached the top of their pay grade. The unions note that incremental pay increases are contractual, and that national pay bargaining relates to achieving increases in the pay award for all employees at the full rate for the job.

The sections in this claim on loss of value, inflation forecasts and settlement data, when compared with the pay increase contained in recent settlements, show how far behind both the cost of living and average pay settlements the pay in HEIs has fallen. Our members at the top of grades have therefore faced a steady erosion in their pay packets from below-inflation settlements together with no increment.

In response to Unite’s 2020 annual pay survey, one staff member commented “There is very little difference in salary between cleaners and cleaning supervisors and it is becoming increasingly difficult to recruit into these roles. The lower paid staff are having an annual increase and the differential is now so close at the bottom of the pay scale we have cleaners earning 36 pence an hour less than our grade four computer techs”.

Percentage Gap between Different Spinal Column Points

The joint trade unions are seeking, as part of this year’s pay settlement, a recognition of the dwindling value of pay for those at the top of grades. We are seeking additional pay uplifts at the lower end of the pay spine to address pay compression and a remodelling of the pay spine to address the erosion of differentials and seeking to restore a 3% gap across the spine is a means to achieve this. Establishing a joint working group to address this problem in a comprehensive way would be a useful way to take this problem forward.



The graph above shows how staff at the lower end of the pay spine have seen their differentials eroded the most over the past ten years.

35 hour working week for all

As in the claim lodged for the 2021/22 pay round, the joint unions believe that the sector needs to address the differential pay rates between universities.

Each year the higher education pay offer is made with reference to HE staff being employed on a 35 hour per week contract. In years prior to 2019/20, the Foundation Living Wage has been achieved as a minimum level of pay but only for those employed on a 35 hour contract. UNISON's 2020 FOI showed that, in fact, the majority of universities in the UK issue standard contracts which are higher than 35 hours, meaning that the FLW isn't achieved even for staff directly employed by universities if they are paid on the lowest few spinal column points.

Our latest data shows that:

- 55 universities employ staff on 35 hours per week as standard,
- 28 universities employ staff on more than 35 hours and less than 37 hours per week as standard,
- 49 universities employ staff on 37 hours per week or more as standard,
- Approximately 10 HEIs use a combination of standard contracted hours depending on grade.

The joint trade unions believe that New JNCHES can show leadership for the sector in response to this claim by developing national guidance on moving staff onto 35-hour weekly. Addressing this will go a significant way towards eliminating poverty pay in the sector as well as impacting on workloads.

This section of the pay claim comes under section 8 second bullet point of the New JNCHES Agreement, 26 March 2013.

The number of hours in the standard weekly contract directly impacts on the amount that salaries are worth per hour. This comes into sharp focus for those working on part-time, hourly paid or zero hours contracts as well as for those on the lowest pay points. Whilst contracts are issued locally by each employer this point in the agreement states that discussions can place on remuneration matters '...where the detail is determined locally in the context of the Framework.... allowing consideration of practice...across the sector as a whole...".

Additionally, the New JNCHES pay agreement 2006-09 section 4 "The Standard Working Week" states that "...the sub-committee jointly recommends HEIs with a longer working week explore actively ...a reduction in working hours".

Loss in the value of pay

The loss in value of pay has resulted in HE staff having less disposable income and facing increasing financial difficulties. From a 2009 baseline, pay awards in higher education have resulted in a cumulative increase of 14.7% over the past 12 years. In the same time period, the RPI index has increased by 42.9%. The impact of the cost of living rising so much faster than HE pay is that higher education staff have seen the value of their pay decline by 19.7 % since 2009 (subject to points on page 3). UCEA's own report from a couple of years ago 'Real Wage Changes on the New JNCHES Pay Spine' demonstrates that staff pay had declined by up to 10.5% from a baseline year of 2008/09 or 9.5% from a baseline year of 2009/10 when measured against CPI – UCEA's preferred indicator. Clearly the situation has deteriorated since then. The UCEA research tabled three years ago concurs with the unions that this is significantly higher when compared against RPI. Given the agreement that there has been a significant real-term drop in the value of pay, the unions believe that meeting the claim this year will meaningfully start the process of catch up and keep up in regards to pay.

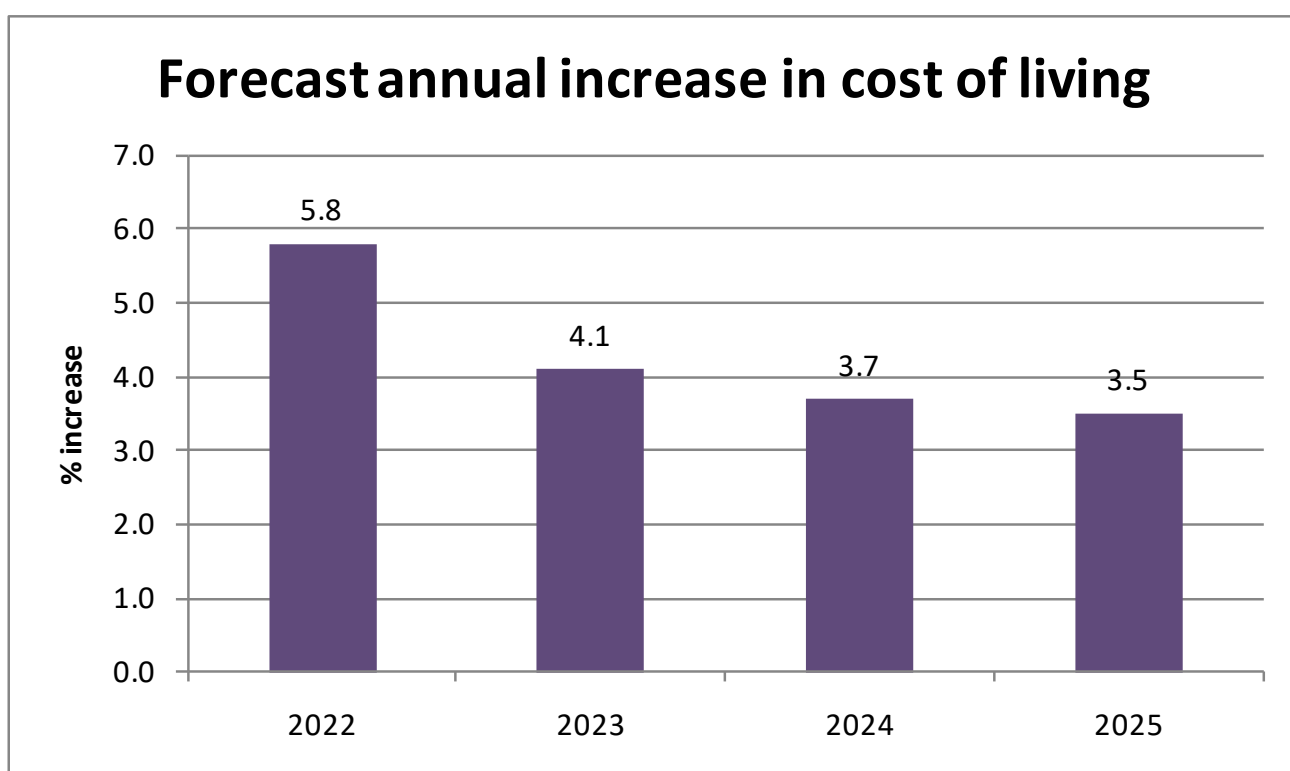
Year	RPI annual change %	RPI Indexed % change	Pay settlement %	Pay settlement Indexed % change	CPI All Items annual % change	CPI indexed % change
2009	-0.5	100.0	Baseline	100.0	2.2	100.0
2010	4.6	104.6	0.4	100.4	3.3	103.3
2011	5.2	110.0	0.3	100.7	4.5	107.9
2012	3.2	113.6	1	101.7	2.8	111.0
2013	3	117.0	1	102.7	2.6	113.9
2014	2.4	119.8	2	104.8	1.5	115.6
2015	1	121.0	1	105.8	0	115.6
2016	1.8	123.1	1.1	107.0	0.7	116.4
2017	3.6	127.6	1.7	108.8	2.7	119.5
2018	3.3	131.8	2	111.0	2.5	122.5
2019	2.6	135.2	1.8	113.0	1.8	124.7
2020	1.5	137.3	0	113.0	0.9	125.8
2021	4.1	142.9	1.5	114.7	2.6	129.1

Predicted increase in cost of living facing staff

The most recent inflation figures published showed that RPI stood at 7.5% in the year to December 2021.

Within these figures, some costs are rising significantly faster, such as gas bills at 28.8%, petrol and oil at 27.4%, and electricity bills at 18.8%. And energy prices are set to rise even more sharply from April 2022, when the price cap receives an enormous lift and the average bill is expected to increase from £1,277 to around £2,000 a year² with an increase of 54% on the price cap. According to the Joseph Rowntree Foundation³ energy bills will rise from 33% to 54% as a proportion of income after housing costs for a single person without children and to 25% for a single person with children. The price of housing also remains one of the biggest issues facing employees and their families. Across the UK, house prices rose by 10% in the year to November 2021.

The graph below is the summary by HM treasury of independent forecasts, November 2021.



Loss of competitiveness in HE wages

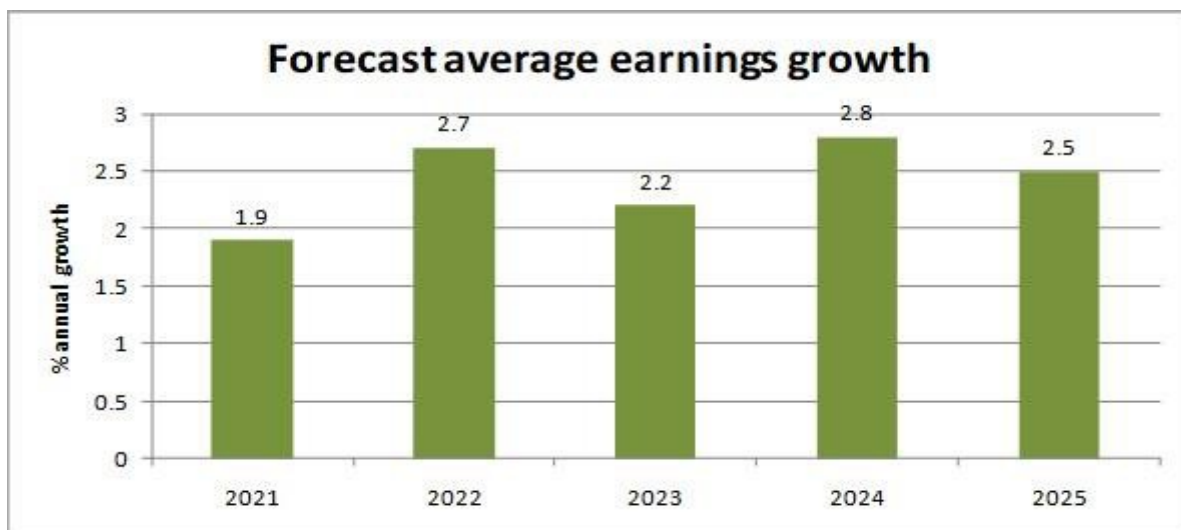
Average pay settlements across the UK economy have been running at 2% in the previous year to January 2022 with settlements in the private sector running at 2.2% and, in the public sector, at 1%. Increases in average earnings in the three months to November 2021 were 4.2% across the whole economy and ran at 4.5% in the public sector.

The CIPD found in its most recent survey that private sector employers are predicting that they will raise pay by 2.5% on average over the year to September 2022. And XpertHR found the same 2.5% pay settlement figure to be the central expectation of private sector employers over 2022 in its autumn survey.

As stated below, the OBR's latest report in October 2021 predicts wage growth of 3.9% for 2022.

² Resolution Foundation, higher and Higher, January 2022

³ Joseph Rowntree Foundation, January 2022, <https://www.jrf.org.uk/press/rising-energy-bills-devastate-poorest-families>



October 2021 OBR Economic and Fiscal Outlook figures

The cumulative effect of years of HE pay settlements falling well below that seen across the economy as a whole, is set out in the table below. Whereas average pay has seen settlements lift pay by 31.2% between 2009 and 2021, HE pay settlements have delivered total growth of just 14.7% in 12 years.

Year	Average pay settlement across economy	Cumulative increase in value of average settlement	HE pay settlement %	Cumulative increase in value of HE pay settlement
2010	2.0	102.0	0.4	100.4
2011	2.5	104.6	0.3	100.7
2012	2.5	107.2	1	101.7
2013	2.5	109.8	1	102.7
2014	2.5	112.6	2	104.8
2015	2.2	115.1	1	105.8
2016	2.0	117.4	1.1	107.0
2017	2.0	119.7	1.7	108.8
2018	2.5	122.7	2	111.0
2019	2.5	125.8	1.8	113.0
2020	2.3	128.7	0	113.0
2021	2.0	131.2	1.5	114.7

That means that the relative value of HE pay has declined against the UK average since 2009 by 12.6%. This represents a substantial decline in the competitiveness of HE wages on the labour market and a long-term danger to the ability of HE to attract and retain high quality staff.

The median pay award in the three months to the end of December 2021 stands at 2% (XpertHR-sample of 27 pay awards). Over all of 2021, the median pay increase was also 1.8% (XpertHR).

Loss of value at key spine points:

Roles & approx. HE spine point	2021 salary	Fall in real value of annual pay (2009-2021)
Junior researcher (22-29)/ professional services	£27,116 - £33,309	£5,830 - £7,161
Researcher/Junior Lecturer (30-35)	£34,304 - £39,739	£7,375 - £8,544
Senior/Principal (post-92) Lecturer (43-49)	£50,296 - £60,022	£10,814 - £12,905

VC Principal and senior pay

The most recent OFS data shows that despite a call for senior staff wage restraint the sector has, on average, increased the number of staff earning over £100,000.⁴ Pay for vice chancellors has increased, albeit by smaller amounts than in previous years. Whilst the OfS states that they believe that there is evidence of pay restraint the joint trade unions remain concerned about the number of staff earning over £100,000 and the high level of average salaries and total remuneration of head of providers.

The vast majority of sector leaders earn at least double the top rate of the JNCHES negotiated pay spine. There are also examples that indicate generous severance packages, bonuses and benchmark salary uplifts have been paid.

The Office for Students (OFS) report into senior pay in universities using 2019/20 data confirmed the data brought by the joint unions to annual pay negotiations in recent years. The mean total remuneration for heads of providers was £269,000 - at 11 institutions the VC earns more than £400,000. In 2017 the median pay ratio of 'heads of providers' and staff as a whole was more than 7:1 but in more than 10% of HEIs the ratio of total pay package to the institution median was over 10:1.

Whilst over the past couple of years there has been an increased focus on VC pay in the public domain, there is still a lack of accountability on this matter and, to date, a lack of commitment by the sector as a whole to address this problem. Too many HEIs still have head of provider sitting on the remuneration committees and determining their own pay package.

⁴ OFS, November 2021, <https://www.officeforstudents.org.uk/media/357ec4eb-b97b-4841-8e05-9aad1c281aa9/the-2021-senior-pay-report-final-for-web.pdf>

Affordability

The most recent figures show that HEIs' incomes rose to £42.4 billion in the financial year 2019/20, and this was £39.8 billion for UUK members. The expenditure of UUK members was £36.4 billion giving a sector surplus of £3.4 billion, 8.6% of income. In 2016/17 there was a sector surplus of £2.3bn in 206/17, which was 6.4% of income. There has been an 11.5% increase in income since 2016/17 and a 20% increase since 2015/16.

Over the period 2015/16 to 2019/20 the proportion of university expenditure that goes on staffing has declined from 54.6% to 51.6%⁵. In 2018/19, the last year for which full workforce statistics are available, there were 439,555 employed in the sector of whom 217,065 were academics. There is no longer full workforce data available but the number of academic staff has increased by nearly 3% (2.97%) to 223,525.

In 2019/20, capital expenditure was more than £4.2bn, while staff costs fell to a new low of 51.6% of expenditure. It is clear from university accounts that investment in higher education staff has been deprioritised in favour of investment in buildings and the hoarding of increasing reserves – which were £46.9 billion in 2019/20, and have more than tripled since 2009/10.

Using January 2022 RPI, we estimate the total cost of our headline claim to be less than £1bn (£0.86bn). This is less than 25% of what universities spent on capital expenditure in 2019-20 alone, and less than 2% of what is sitting in their reserves.

Career development, progression and training opportunities.

The joint trade unions are calling on UCEA to work with us to establish a working group to look at career development and progression issues and training opportunities. Members of all five unions express their frustrations with how career development and training opportunities are increasingly curtailed in the context of wide-spread organization change within the sector and the inconsistencies in approach taken at HEI's.

The trade unions are proposing that the working group would look at, but not be limited to, technicians and the Technician Commitment and academic related staff.

This section of the pay claim comes under section 6, second bullet point of the New JNCHES Agreement, 26 March 2013 which references the Framework Agreement which, itself covered pay progression and career pathways/progression. Additionally, section 7 of the New JNCHES Agreement references particular occupational groups.

Gender, Ethnic and Disability Pay Gaps

The joint unions are again calling for UK-level agreed action for HE institutions to close the gender pay gap and to specifically address the ethnic and disability pay gaps, taking account of ways in which intersectionality affects pay and grading. This work should be planned and conducted in a transparent way with clear terms of reference.

Every year the official pay data in UK higher education shows continuing, shameful and persistent pay inequality. UK universities promote the values of equality, yet it is more than fifty years since the Equal Pay Act and the sector still has huge and, in some cases, growing

⁵ <https://www.hesa.ac.uk/data-and-analysis/finances/expenditure>

gaps in the pay of men and women. In April 2019 with the second year of reporting on gender pay gaps in organisations employing over 250 people, the problem remains as bad as ever with the gap between women’s mean hourly wage and men’s being 15.1% (down by 0.7% on 2018) and with the median having increased to 14.8% up from 14%.

The average gender pay gap across the UK HE sector stood at 16%, the pay gap between Black and white staff 17%, and the disability pay gap stands at 9% (HESA staff record 2019/20).

ASHE gender pay data for all HE staff:

	Median salary	Annual %	Mean salary	% change
All staff	33,804	1.2	36,437	1.5
Male	38,981	3.0	41,952	1.4
Female	28,392	-0.5	30,772	0.9

ASHE 2021 - Table 16

The time has now come for universities to agree clear action plans with their unions and for joint work to be done to address the race pay gap and the impact of intersectionality on staff.

New JNCHES has an important review and enabling role in this. UCEA’s own analysis shows that Black non-UK men, Black UK women and Black non-UK women suffer the most significant pay penalty in comparison to white-UK men. The extent of the problem is widespread and deep-rooted and having been identified, urgent action must now be taken. UCEA’s Tackling the Gender Pay Gap report revealed that union involvement in developing action plans was inconsistent - whilst 40% of published action plans had “sustained, ongoing” union involvement, only 6% of published action plans had received union sign off.

The interventions chosen within the action plans did not seem to be evidence based- UCEA finds that the most common actions taken “are not necessarily reflective of what works or what is relevant”.

For example, fewer than half of all action plans had identified contract type as an area of intervention, despite women being more likely to be on fixed-term, hourly paid or zero hours contracts. On the other hand, 86% of action plans included “mental health and well-being initiatives”, which is not an action relevant to closing the gender pay gap.

Only a third of published action plans considered the ethnicity pay gap.

As identified above, looking at the intersection between different pay gaps is crucial. UCEA’s report on the intersection between gender and ethnicity in pay found that the pay penalty experienced by BME women is much more likely to be due to ethnicity than gender. Failing to consider the intersection between different pay gaps risks action on the gender pay gap that doesn’t benefit all women and could further compound ethnicity pay gaps.

Working proactively to eliminate the gender, ethnic and disability pay gap makes business sense, makes moral sense and shows staff that the sector is committed to tackling this entrenched discrimination.

The joint unions are seeking:

- a national, time specific, agreement detailing how action will be achieved by each HEI working with their trade unions to close the gender, ethnic and disability pay gap;

- An implementation agreement agreed by HEI management and their trade unions which is then progressed and reported back to new JNCHES;
- a commitment by all UCEA affiliates to encourage their staff to declare their protected characteristics with their employers to help address discrimination; then the completion of a full Equal Pay Audit covering all protected characteristics by a specific date, and all the data to be shared with the campus unions. UCEA to collate and share with the unions nationally copies of all the Gender Pay actions plans drawn up by UCEA affiliates.

This section of the pay claim comes under section 9 of the New JNCHES Agreement, 26 March 2013. Additionally, section 6, second bullet point references the Framework Agreement which has a section on Equal Opportunities and Pay.

Precarious work: casual contracts and outsourced workers

The joint unions do not expect that higher education institutions to be abdicating their responsibility for employing the lowest paid staff on decent terms and conditions and with decent pensions which we consider to be a form of deferred pay. In many places universities are the largest employers and the policy of outsourcing has a significant impact on the local community. A number of universities in London have recognised the benefits to employing all staff in-house to enable a coherent service to be delivered to staff and students. It does not pay to save money on catering, cleaning and security when these services, if properly integrated, underpin a safe university community. This was brought sharply into focus during the COVID pandemic.

There are still many contractors taking profits from higher education. According to UNISON's 2022 FOI (with some data still outstanding), of those who responded: 77 universities outsourced cleaning; 67 outsourced catering; 79 outsourced security services. The thousands of university staff who are outsourced to the private sector has an impact on their pay, as well as having equalities impacts. The joint unions are requesting that joint work is done to establish best practice in terms of delivering services on an in-house basis ensuring that all employees have equal and fair access to sick pay, annual leave pay and pensions as well as to the national higher education pay spine. The joint unions are calling for the UCEA to establish, with the joint trade unions:

- A national sector policy on bringing services back in-house or “in-sourcing”. This policy to encourage local HEI level discussions with trade unions on the best way that in-sourcing can be delivered.
- This policy to include that where any outsourcing continues to exist, that pay, terms and conditions should be pegged to national collective bargaining arrangements
- Procurement tenders for construction work in universities should specify that workers' pay, terms and conditions should be pegged to the relevant national agreement/s.

The signatories to the agreement recognise the right of all construction workers to be employed under, and to be protected by, the appropriate national industry collective agreement. This requires institutions to require full compliance with all appropriate national agreements applicable to the construction industry when procuring construction services. Workers employed on construction contracts must enjoy fair and equal terms and conditions on the principle of equal conditions for equal work between all workers.

According to the last available HESA data, one third of all academics are employed on fixed-term contracts. This figure rises to almost half for teaching-only academics (44%) and over two thirds (68%) for research only staff. Despite the negative press and widespread campaigning, 29% of all higher education institutions still use zero-hours contracts for employing academic staff. This equates to 49 institutions employing 3,545 academic staff on these discredited contracts. When it comes to hourly-paid academics, staff are again concentrated in teaching- only roles where 41% of academic staff are on hourly- paid contracts. There are also more than 66,000 academic staff employed on atypical' contracts which will include those on the most casualised forms of contract. Women and BAME staff are more likely to be on some form of casualised contract. Casualisation remains a problem for all academic staff groups but the use of fixed-term contracts for research staff, and zero-hours and hourly-paid contracts for teaching-only staff is endemic; (data HESA 2019/20).

According to UNISON's data there are nearly 25,000 support staff zero hour's contracts issued by the sector.

The joint unions are seeking a commitment from UCEA to a joint call for universities to commit to a new institution-level action and implementation plans to create greater security of employment and to address the problems facing outsourced and casualised work. These plans should align with the principles of good work. The joint call to institutions will agree their plans with the local trade unions and an implementation timeline with specific commitments to:

- End the use of zero hours contracts with all staff having at least minimum guaranteed hours that reflect their working pattern on an employee contract;
- A New JNCHES Graduate Teaching Assistant (GTA) agreement whereby GTA contracts include an appropriate workload allocation mechanism, guarantee that all GTAs are paid at the appropriate grade for the work they are conducting; receive paid training, and have access to the same rights and entitlements as all permanent members of staff. Note the reference to GTA is generic as pre and post-92 institutions use different terminology for the same role.
- The joint TU are calling on employers to agree to the principles in the PGR manifesto as the basis for local negotiations aimed at improving the terms and conditions under which PGRs work, both on their doctorate research and in undertaking any additional paid employment.
- agree a process by which staff on hourly paid contracts can be moved to fractional contracts;
- move all staff with more than 4 years' service to open ended contracts with a focus on better management of redeployment, the provision of bridging funds (for example for use between research grants for both research and support staff working on externally funded research projects) and a move to research 'hubs';
- HEIs recognise the need to reduce the levels of casualisation and to commit resources to do so;
- For all contracts (other than genuine cases of cover) to be no shorter than 24 months;
- Develop and agree national guidance to end the outsourcing of support services in higher education and to bring staff into in-house employment (as set out above).

As part of the agreement, universities will be invited to submit jointly agreed action plans for

review by November 2022 and to report on progress against these plans in time by February 2023 to inform the following pay round.

A joint monitoring group will assess universities' success in developing and then implementing plans and will report to JNCHES in May 2023. A joint report will then be written and co-authored by the unions and UCEA and published in June 2023 to update on the sector's progress.

This section of the pay claim comes under section 7 of the New JNCHES Agreement, 26 March 2013 which references fixed-term, hourly paid, and low pay (which relates to the outsourced services which, in many cases, employ staff on the lowest rates of pay.) Additionally, section 8 of the, third bullet point, states that 'areas of employment practice...with the potential to produce material for dissemination to institutions', in the New JNCHES Agreement, 26 March 2013.

Workload mental wellbeing and COVID

The pandemic has had a significant impact on staff workloads and ways of working as a result of lockdown and the move to online delivery. Union branches report an increasing use and consideration of new technologies and IT platforms in regards to teaching and assessment. This impact is not only experienced in increases in the volume of work staff now undertake, but also the rapid change to different means by which staff deliver their work in COVID safe environments such as online teaching and remote working. The increases in workload and work-related stress linked to the pandemic are felt differently by different groups of staff, the worst cases typically experienced by the most vulnerable staff in the sector.

In 2021, Education Support surveyed more than 2000 academic and academic-related staff in UK HE about their workload, mental health and what support was available to them. The report's findings include:

- over half (53%) of those surveyed showed probable signs of depression
- almost eight in 10 (79%) respondents said they need to work very intensively, often or always
- almost a third (29%) reported feeling emotionally drained from work every day
- one in five academics (21%) work an extra two days (16 hours) per week on top of contracted hours.

The full report is available here:

https://www.ucu.org.uk/media/11913/ES_Supporting_Staff_Wellbeing_in_HE_Report/pdf/ES_Supporting_Staff_Wellbeing_in_HE_Report.pdf

UCU conducted a COVID Equality Survey in December 2020. The full report will be published soon, the headline findings in higher education were:

- 78% of staff reported increased workloads during the pandemic, 56% by a lot
- Women, BAME staff and disabled staff in HE were all more likely to report that their workload increased a lot
- 85% of staff said their level of stress had increased either a little or a lot as a result of work pressures linked to the pandemic
- In HE, women, BAME staff, disabled staff, LGBT+ and migrant staff were all more likely to report feeling a lot more stressed.

- 83% of all respondents in HE said that increased workload had a negative impact on their mental wellbeing - women, disabled and BAME staff in HE were all more likely to say that workload had negatively impacted their mental health a lot.
- 60% of staff in HE said their mental wellbeing had been negatively impacted by lack of support from employer
- 86% of respondents in HE had been given information or signposted towards support for mental health issues. However, migrant and disabled workers were less likely to have been signposted towards mental health support

UNISON's report from the summer of 2020 showed the following: that 40% of support staff undertake unpaid overtime at least a couple of times a month and more than 10% of the workforce work unpaid overtime every day or nearly every day. That 63% reported that workload had increased in the past year and half of the workforce (49%) were very concerned about work-related stress and mental health. The true picture of the impact of the pandemic on mental health is yet to be fully understood and work needs to be undertaken to develop effective ways of ensuring that staff receive the help and support that they need. Additionally, the effects and impact of "Long COVID" are only just emerging. The unions believe that work that will need to be undertaken to set out how employers can be support and help staff with long COVID and to provide the differing reasonable adjustments that many will need. The cost to employers of not dealing effectively with both workload and stress at work has now been well documented. The cost affects productivity, sickness absence bills, and of course, has a health and financial cost to the employees directly concerned and their colleagues. Higher education institutions can no longer ignore this problem.

The trade unions wish to make it explicitly clear that actions need to be taken by employers to reduce unsafe and excessive workloads, and that such excessive workloads mean, in effect, that staff are doing more work for less pay.

The latest estimates from the Labour Force Survey (LFS) show:

- In 2020/21 there were an estimated 822,000 workers affected by work-related stress, depression or anxiety. This represents 2,480 per 100,000 workers. The rate of work-related stress depression and anxiety has increased in recent years.
- The number of new cases was 451,000, an incidence rate of 1,360 per 100,000 workers. The total number of working days lost due to this condition in 2019/20 was 17.9 million days. This equated to an average of 21.6 days lost per case. Working days lost per worker due to self-reported work-related stress, depression or anxiety shows no clear trend.
- In 2020/21 work-related stress, depression or anxiety accounted for 50% of all work-related ill health.
- *In 2019/20 stress, depression or anxiety accounted for 51% of all work-related ill health cases and 55% of all working days lost due to work-related ill health.*
- *Stress, depression or anxiety is more prevalent in public service industries, such as education; health and social care; and public administration and defence. By occupation, professional occupations that are common across public service industries (such as healthcare workers; teaching professionals and public service professionals) show higher levels of stress as compared to all jobs.*
- *The main work factors cited by respondents as causing work-related stress, depression or anxiety were workload pressures, including tight deadlines and too much responsibility and a lack of managerial support (2009/10-2011/12).*
- In the recent years prior to the coronavirus pandemic, the rate of self-reported workrelated stress, depression or anxiety had shown signs of increasing. In 2020/21 the rate was higher than the 2018/19 pre-coronavirus levels. The latest year (2020/21) is not statistically different compared to the previous year. Evidence

suggests this is not related to COVID-19 (see Annex 1).
<http://www.hse.gov.uk/statistics/causdis/stress.pdf>

UNISON's survey from 2022 showed the following: that 33% of support staff undertake unpaid overtime at least a couple of times a week or every day, and that 16% of the workforce work unpaid overtime every day or nearly every day – a rise from 10% in 2020. Of those who work unpaid overtime 33% work more than an hour extra per day. In line with the 2020 findings 62% reported that workload had increased in the past year. Worryingly over 27% self-reported that they are suffering from mental health and/or anxiety problems and 4% stated that they have long COVID. The impact of the pandemic is still having a significant effect on the workforce and will need careful workload management in the coming years.

The joint trade unions are seeking an agreement on the following terms:

- An agreed UK level action plan by which HEIs agree workload models with their local trade unions that are based on the actual hours required to do the job;
- That the workload model and plans take into account post pandemic changes in working practices;
- UCEA to recommend the adoption and implementation of the Stress Management Standards approach (or suitable equivalent system) incorporating collaborative working with recognised trade unions and staff;
- the recognised trade unions commit to genuine engagement and joint working with the employers to agree local action plans to reduce the incidence of work-related stress ill-health;
- that joint work be undertaken on developing workload models and planning that take into account COVID pandemic related changes in working practices.
- meaningful, agreed action to address excessive workloads and unpaid work; action to address the impact that excessive workloads are having on workforce stress and mental ill-health; that workload models and planning take into account COVID pandemic related changes in working practices;

This section of the pay claim comes under section 6 of the New JNCHES Agreement, 26 March 2013 in that workload and the unpaid overtime that staff on all grades are undertaking has a direct impact on the hourly wage (which is reduced with every additional unpaid hour worked). This section of the pay claim also comes under section 8, second bullet point with regard to 'remuneration matters where the detail is determined locally... allowing consideration of practice... across the sector as a whole'.

Scottish JNCHES

The New JNCHES Agreement expressly acknowledges the reality of the establishment of devolved HE sectors for the devolved administrations within the UK, and that a

subcommittee of the NEW JNCHES Committee may be formed to look at HE issues for any of the devolved administrations. There is clear evidence that there are some diverging trends and structures emerging in Scotland relative to the rest of the UK. The Fair Work Convention is Scotland specific, and a Scottish JNCHES would need to ensure that this is embedded within Scottish HEI's and is beyond the scope of the full JNCHES. A Scottish JNCHES subcommittee would provide the appropriate forum for legitimate discussion and engagement on this and other issues.

For this reason, the trade unions seek the activation of the Scottish New JNCHES Subcommittee to look at Scottish issues.

Over recent years, the importance of having a Scottish sub-committee has become more pronounced. The ways in which Brexit will affect Scottish universities may be different from HEIs in England given the different funding and tuition fee regimes. The Higher Education Governance (Sc) Act 2016 is gradually being implemented, with dialogue taking place on this, and other key sectoral employment issues, in Scotland out-with New JNCHES. The trade unions claim is to establish the Scottish Sub-Committee of New JNCHES as set out under the New JNCHES Agreement. The main purpose of the sub-committee would be to deal with matters not currently being dealt with at the New JNCHES Committee and to inform NEW JNCHES where best practise is being established in Scotland so it can be considered at the UK level.

This section of the pay claim comes under section 10 of the New JNCHES Agreement, 26 March 2013, first bullet point.

Sector Redeployment Agreement

The purpose of this agreement is to give at-risk staff in an institution facing significant job losses and course/department closures, the opportunity to apply with priority for available posts in other institutions that are recruiting in the same disciplines. The agreement would need to apply to all job roles and posts. The agreement will have the following features:

1. UK-wide agreed minimum standards for local policies including:
 - a. redundancy collective and individual consultation,
 - b. redeployment and other forms of redundancy avoidance,
 - c. extending minimum notice periods from three to six months,
 - d. enshrining equal treatment for fixed term and hourly paid staff, and building in thorough equality monitoring.
2. A sector-wide agreement for redeployment between HEIs, facilitated by the current online working conditions, with a JNCHES consultative subcommittee to oversee it.

Conclusion

Staff in the sector continued to respond magnificently to the pandemic – working throughout whether online and remotely or in-person on campus. Through a combination of commitment, hard work, professionalism and flexibility, staff have ensured the highest levels of education and student support has been maintained. Whilst the recognition of sector leaders is welcome, its time now to reward staff. HEI's are able to fund pay increases to meet our claim. Whilst there is continuing economic and political uncertainty, the HE sector must recognise that both the zero % pay offer for 2020/21 and the 1.5% pay offer, for the majority, was widely rejected by staff in the sector. JNCHES needs to start to work for all stakeholders and a sub-inflationary pay rise will be hugely problematic for New JNCHES this negotiating round and beyond.

The unions are concerned that the increasing downward wage pressures and upward workload pressures are creating institutions in which morale and mental health is suffering. This claim provides clear ways in which problems concerning pay, pay discrimination, workload, and employment practices can be addressed.

HE staff contribute in so many ways to delivering the world class education at UK HEIs, and they need and deserve a pay rise as well as working conditions which provide stable and fair employment.

The joint unions are again calling on higher education employers to invest in their biggest asset when global competition is increasing and the UK's position in relation to potential students and staff from the EU and beyond is uncertain. One certainty is that existing staff will help UK universities to maintain their world class status and need to be shown that they are valued and rewarded for their contribution.

This claim is a reasonable one and an accurate reflection of the key concerns of our members working in universities across the country. The unions believe that this claim should form the basis for a pay offer that we can recommend to our members. This joint claim aims to ensure that everyone is valued and that the hard work of all is recognised and rewarded.