

Pay framework negotiating FAQs

What is the framework agreement?

The framework agreement (FA) is an agreement, reached in 2004, between the national employers and unions for the modernisation of pay structures in higher education.

The FA also incorporated the 2004 pay award.

Under the agreement every HE institution is required to work in partnership with their recognised trade unions to introduce new pay structures for all university staff using a single pay spine.

The FA also covers staff development, progression, attraction and retention, harmonisation of working hours and equal opportunities.

What is the Memorandum of Understanding (MoU)?

The MoU is an agreement reached between the employers in the pre-92 sector and the UCU (then AUT) that in assimilating staff to new structures and in devising new pay and grading structures, academic and related staff would suffer no detriment compared with previous pay arrangements.

Are there differences in the way the framework agreement is applied in the pre and post-92 University sector?

Although there is no MoU in the post-92 sector the UCU have worked on the principle of no detriment in all sectors. In the post-92 sector the UCU has successfully achieved the model grading structure at Appendix C of the FA, or an improved variant thereof, in all agreements. In the pre-92 sector, the UCU has secured grading structures that are no worse – for current or new staff – than the equivalent previous grading models.

In both sectors the UCU has negotiated hard to ensure that all members benefit from the FA – including those on hourly paid contracts or 'spot rates'.

The UCU has a process of national ratification of all agreements and all agreements then need to be endorsed locally by members before formal agreement is reached with the employer.

There have been different tension points between the UCU and the employers in the two sectors but in principle the application is the same.

When does the framework agreement have to be implemented by?

The FA requires institutions to use their best endeavours to introduce new pay arrangements from 1 August 2004 or as soon as practicable thereafter and to complete implementation by August 2006 ('subject to the funding arrangements in the devolved administrations').

The majority of employers have managed to meet this final deadline and where agreements are outstanding it is UCU policy to seek backdating to no later than 1 August 2006 (by means of backdating).

How much money have institutions been granted by the government to pay for implementation of the framework agreement?

Since 2001, higher education institutions in England have received funds under the Rewarding and Developing Staff initiative. Within the funding for higher education £50m in 2001-02, £110m in 2002-03 and £170m in 2003-04 was allocated by the government for both academic and support pay. The £170m awarded in 2003-04 was consolidated into core funding and an additional £48m awarded in 2004-05 under round 2 of the Rewarding and Developing Staff initiative was consolidated into core funding from 2005-06.

In January 2006 the Scottish Funding Council decided that from 2006-07 onwards it would embed in main formula grants resources for HRM modernisation – including implementation of the framework agreement. These recurrent resources are £25 million in 2006-07 rising to £30 million from 2007-08.

Figures for individual institutions can be requested from the university itself or the UCU's HE team can also provide a finance and pay datafile for individual institutions. Please contact **Stephen Court** (scourt@ucu.org.uk) for further information.

Will the new grading structures be the same for current and new staff?

Yes – it is important that the structures are the same for all staff and that they meet the no detriment principles. Many employers tried to introduce sub-standard grading structures for new staff but this was resisted by the UCU.

How will staff be allocated to new grades?

There are nationally agreed academic role profiles in 3 families (teaching and research, research, teaching and scholarship) which set out the requirements at each of the 5 academic grades.

Academic staff should be matched to the appropriate grade using benchmark posts. The matching process will be underpinned by the relevant job evaluation scheme being used at the institution.

It is UCU policy that academic-related staff should be matched in the same way following the development and agreement on local academic-related role profiles.

Subject to the outcome of role analysis / job evaluation of individual posts it is expected that staff will transfer in the following way:

Current grade	Expected grade
<i>Academic-related staff</i>	
ALC1	Ac1 / grade 6
ALC 2	Ac2 / grade 7
ALC3	Ac3 / grade 8
ALC5	Ac4 / grade 9
ALC6	Ac5 / grade10
 <i>Pre-92 Research Staff</i>	
RA1B	Ac1 / grade 6
RA1A	Ac2 / grade 7
RII	Ac3 / grade 8
RIII	Ac4 / grade 9
RIV	Ac5 / grade 10

Pre-92 Lecturing staff

Lecturer A	Ac 2 / grade 7
Hourly paid lecturer	(at least) Ac2 / grade 7
Lecturer B	Ac3 / grade 8
Senior Lecturer	Ac4 / grade 9
Professor	Ac5 / grade 10

Post-92 Lecturing staff

Lecturer	Ac2 / grade 7
Hourly paid lecturer	(at least) Ac2 / grade 7
Senior Lecturer	Ac3 / grade 8
Principal Lecturer	Ac4/ grade 9
Head of Dept./ Professor	Ac5/ grade10

If ALC 4 is disappearing, how will staff currently on this grade be assimilated?

Under the new grading structure ALC 4 will be abolished and the number of grades will reduce from 6 to 5. Staff currently on this grade will assimilate either to grade 8 or to grade 9 dependant upon role analysis. If the person is assimilated to grade 8, then personal protection should apply. This should include progression within the contribution points range to point 46 (the equivalent of the current top of ALC4).

How should staff be assimilated to new pay structures?

Assimilation of current staff to the new grades should be carried out in such a way that career earnings are protected. Therefore, not only must current salary be matched (or improved), but incremental progression to the top of grade must be protected.

The university has developed role profiles which are substantially different to the national role profiles. How do we persuade them to use the national profiles?

The national role profiles have been developed over a number of years with the involvement of the academic trade unions have been thoroughly tested in institutions using both HERA and HAY. From the testing we know that the profiles are distinct enough to each represent a different grade (within each job family), that the weighting of the profiles at each level is the same across the 3 job families and that the academic profiles read across to the UCU generic academic-related profiles.

To depart radically from the national profiles is to abandon all of the work, research and testing that has gone into the development of the national role profiles. This work will have to be (needlessly) replicated at local level. It would also mean that the library of academic-related profiles would not be able to be used and again further work, research and testing would need to be carried out in relation to the academic related profiles to ensure that they read across to the academic profiles.

Using local profiles that differ extensively from the national role profiles may not support a 5 grade grading structure for academic and academic related staff (as per the model in Appendix C of the framework agreement as modified by the MoU).

It would also mean that the institution would be out of step with the majority of universities and that potential staff will not be able to easily understand what is expected of them at each grade. It could also put the institution at a disadvantage in relation to recruitment and retention compared with other institutions who are using the national role models.

How will the FA affect hourly paid staff?

The framework agreement applies to hourly paid staff as it applies to all other staff.

There is a JNCHES agreement on the assimilation of hourly paid staff in the post-92 sector and UCU policy that all hourly paid lecturers should be assimilated to at least Ac2 (the entry level for lecturing staff).

Hourly paid staff academic should be assimilated to the new pay and grading structures by matching to the relevant national role profiles.

Hourly paid staff should then be afforded the right to progress through their grade in the same way as other staff.

Negotiation on the implementation of the FA is also an excellent opportunity for the UCU to progress its aim of securing permanent pro-rata posts for hourly paid staff.

Management has proposed single table bargaining. Are such arrangements appropriate given that our members are subject to a separate national agreement?

Implementation of the framework is expected to be by partnership between institutions and recognised trade unions. Relationships with other unions will need to be clarified in

any joint working arrangements. Joint work will be required to determine overall grading arrangements but work that effects only academic and related staff need not be undertaken with non-academic unions. Branches and LAs should check existing procedure agreements to ensure that joint arrangements are sufficient. Any agreements that have the effect of changing terms and conditions of contracts of employment of academic and academic-related staff should be concluded within existing procedural agreements between the employer and the UCU.

The university says it wants to phase in green circling after assimilation. Is this an acceptable practice?

Yes, but only under certain circumstances. Appendix F of the framework agreement gives more detail on this issue. If the individual is promoted to higher grade and there is more than a 10% rise in pay, the employer can phase it in over 2 years.

If an individual is red circled, will they receive their annual increment for the agreed period?

The Framework agreement is silent on this issue and merely states that where current pay is higher than the pay for grade: 'The individual continues at their current pay level, on a protected basis, for a period of up to four years.' Our starting point in any negotiations should therefore be that protection of current pay level includes annual pay awards AND annual increments.

What opportunities does the Framework agreement provide to the UCU?

The FA will represent a pay uplift for the majority of UCU members – in some cases a significant uplift.

Having a single pay spine and the development of role profiles should help to ensure that staff receive equal pay for work of equal value – including hourly paid, part-time and fixed-term staff.

The FA also requires institutions to provide suitable training and development opportunities all staff.

The FA also allows the UCU to negotiate on promotion criteria, criteria for contribution pay and for any other non standard pay. These pay systems, have in the past, been opaque and have been applied in a non-consistent way.

The FA recommends the institution to carry out an equal pay audit in accordance with the JNCHES guidance. This has been a long-standing aim of the union's campaign against the pay gap in higher education and therefore the FA can be used by negotiators to pursue this aim.

The FA also allows the UCU to negotiate for the transfer of hourly paid staff to pro-rata permanent contracts and to provide for incremental progression for such staff – often for the very first time.

And of course, the FA provides an issue around which branches and local associations can recruit and organise.

Are there any legal rights to facilities time?

Yes. Union lay officials, including shop stewards, staff reps and branch secretaries of recognised unions, have the right to time off with pay to carry out trade union duties (see section 168 Trade Union and Labour Relations Consolidation Act 1992).

Trade union duties are those concerned with negotiation with the employer over what are termed 'section 178(2) matters'. These include terms and conditions, recruitment, suspension, dismissal, work allocation, discipline, union membership, time off facilities and procedures.

All members of recognised unions, not just representatives, have the right to reasonable time off to take part in trade union activities. What is 'reasonable' is a matter for negotiation.

Further resources and guidance

The Framework agreement (JNCHES)

<http://www.ucu.org.uk/media/pdf/frameworkagreement.pdf>

The Memorandum of Understanding (AUT)

http://www.ucu.org.uk/media/docs/2/8/fworkmemorandum_mar04_1.rtf

Academic role profiles and guidance – JNCHES

http://www.ucea.ac.uk/ucea/filemanager/root/site_assets/jnches/JNCHES_Academic_Role_Profiles_and_Guidance.pdf

Calculating fractional (pro-rata) contracts – UCU guidance

http://www.ucu.org.uk/media/pdf/t/r/ucu_contractcalculation.pdf

Guidance on pay for hourly paid lecturers in the post-92 sector – JNCHES

http://www.ucea.ac.uk/ucea/filemanager/root/site_assets/jnches/JNCHES_Hourly_paid_Lecturers_Guidance.pdf

Calculations of hourly rates of pay in the pre-92 sector – UCU guidance

http://www.ucu.org.uk/media/pdf/l/o/ucu_hourlyrates.pdf

Guidance on pay progression and contribution related pay – JNCHES

http://www.ucea.ac.uk/ucea/filemanager/root/site_assets/jnches/JNCHES_Pay_Progression_Guidance_Jan_05_Revise.pdf