



# Precarious teachers:

## Insecure work in the English further education sector

### Summary of findings

- According to the best workforce data available in the FE sector, based on FOI returns from 202 colleges, just under 30% of the teaching workforce in the FE sector are employed on insecure or precarious contracts.
- The most common form of precarious work is an hourly paid teaching contract. 69% of people on insecure contracts were hourly paid.
- 19 colleges employ more than 50% of their staff on precarious contracts.
- A subset of FE colleges are using wholly owned subsidiary companies to develop a 'Shadow FE sector', employing teaching on inferior 'worker' contractual arrangements and hiring them to deliver college teaching.
- The report also identifies the 50 colleges using the highest proportions of insecure contracts.



## **Precarious work in Further Education**

Teaching jobs in further education are precarious for two reasons. Firstly because employment contracts can be of short duration or cover only part of the year. Many fixed-term contracts are of one year in duration. A good number are term time only contracts. Staff employed on these contracts don't know what the next year will bring and need to spend a lot of their time worrying about and looking for their next contract. But precariousness is also about income and hours of work. Some teaching staff are employed on 'permanent' contracts but continue to be paid by the hour. These staff are often no less precarious because they are only paid for the work they do and many of them have variable hour or of course, the infamous zero hours contracts. Work can shrink or diminish or even disappear entirely and with it goes their income. The precarious population then can't be reduced to one contract form or another. Precariousness is something that comes with a range of different contracts all of which share a common feature. Employers view permanent employment as too costly or risky and use insecure contracts to offload that risk onto staff.

### **UCU's Freedom of Information request and the analysis of insecure work:**

This report analyses data from a Freedom of Information request on every FE college in England and Wales for 2016. The FOI asked colleges about their general employment conditions and pay rates. It also asked FE colleges to disclose the numbers of staff at three levels: Advanced teaching and training, lecturers and 'non-lecturing curriculum delivery staff (instructors, trainers, assessors). For each level, we asked for a breakdown of staff on various contract types including full-time, part-time, term-time only, variable hours or hourly paid contracts. This gives us a snapshot of the use of precarious employment in FE colleges. UCU made the same request and produced a similar report in April 2016, analysing colleges data for 2015.

201 colleges returned data on their use of insecure contracts, compared with 220 in 2015. In part this is because college mergers have reduced the overall number of colleges. However, some colleges have simply failed to respond.

## Insecure work: What does the data show?

- The information reported by colleges shows that there are at least **17,171 teaching staff on insecure contracts in the 200 colleges who returned data, representing 28% of the teaching workforce.**
- These insecurely employed staff are heavily concentrated at the lower levels of the career path. Fewer than 1% of Advanced Teaching and Training staff are on insecure contracts, compared with **30% of lecturers and 33% of non-lecturing curriculum delivery staff.**
- The most common form of insecure contract is **hourly-paid lecturing** by which lecturers are employed, usually on fixed-term contracts and paid an hourly rate for teaching duties.

Table 1: insecure employment in the FE sector

	Total teaching staff	Total teaching staff on insecure contracts (Variable, hourly paid, term time only)	% of teaching staff on insecure contracts
Advanced teaching and training	6269	56	0.9%
Lecturers	43681	13335	30.5%
Non-lecturer curriculum	11418	3780	33.1%
Total teaching staff	61368	17171	28.0%

Table 2: What contracts are precarious staff on?

Precarious contracts in FE	
Variable hours contracts	1532
Hourly paid	11950
Term time only	3689
TOTAL	17171

These figures are broadly comparable with those for last year. While last year's figures shows slightly more insecure work overall (34% of teaching staff), direct comparison is difficult. Some colleges have disappeared into

mergers. Some have simply failed to report any data. Some, like **City Lit**, appear to have decided to only report their use of full-time teaching staff this year, despite the fact that more than 90% of its teachers are hourly paid.

Looked at from any perspective, this is a very big problem.

### **Why is the problem still so big?**

The biggest obstacle to further progress is the fact that the vast majority of college leaderships are demonstrably unwilling to engage with UCU to address the issue of casualisation.

In January 2016, UCU wrote to 220 FE colleges seeking a commitment to negotiate improvements that create more secure employment for teaching staff. The response showed a sector effectively in denial. 120 college leaderships simply ignored the letter. Many responded negatively. Only around 30 college leaderships offered any kind of positive response. Some of these are now in negotiations with UCU but the vast majority of colleges have taken no action.

We need more action now. College leaderships need to call time on the exploitation of staff on insecure contracts.

### **There is a better way**

It is simply not necessary for colleges to use precarious employment in this way. UCU is calling on the sector to talk to UCU to negotiate better workforce planning practices that can create more job security for its teaching staff.

Some FE colleges have responded well and have shown that they understand the issues. Over the last year, UCU has been able to negotiate a positive agreement with **South Downs College** and has opened up positive discussions with **West Suffolk College**, **Lowestoft College** and **Derby College**. Perhaps most interesting has been the opening up of discussions between UCU and **NCG, the former Newcastle College Group**. This is a major national FE education and training provider.

These examples show that it is possible to do things differently and that it is not necessary to keep large numbers of teachers on precarious contracts.

## **'Shadow FE' and hyper-casualisation:**

Disturbingly, some college leaderships appear to be not just ignoring the issue of casualisation but actively making it worse. A group of FE colleges are making use of wholly owned subsidiary companies to take on hourly paid staff and hire them back into the college. These lecturers are put on worker or agency worker contracts which mean they have fewer employment rights. **Sheffield College**, for example, employs hourly paid staff to teach at the college through its wholly owned subsidiary company, 'Sparks Ltd'. **Bradford College** does the same using its wholly owned subsidiary company, 'Beacon'. **Doncaster College** has a wholly owned subsidiary company called DC Teach Ltd which it uses to hire in temporary academic staff.

These 'workers' have a contractual relationship deliberately constructed to bear many of the attributes of self-employment without any of the benefits. UCU's view is that colleges make use of these arrangements because:

- They prevent most of these teachers from accumulating service related rights such as the right to statutory minimum notice, protection from unfair dismissal, the right to redundancy pay and rights to statutory maternity leave and pay;
- They prevent people who should be employed as employees from ever accumulating enough continuity of service to become permanent employees under the fixed-term regulations;
- It allows the colleges to pay these staff off the local lecturers' pay scales;
- It take the lecturers out of the Teachers' Pension Scheme, saving the employer from paying its contributions for these staff.

UCU believes that it is shameful for colleges to use these subsidiary companies to effectively 'game' the British employment law system, deny staff access to proper professional contracts and employment rights and lock them out of access to the teachers' occupational pension scheme.

## **Why does the casualisation of teaching matter?**

There are three major reasons why FE colleges should call time on casualisation:

### *1. Human hardship*

Insecure contracts create unnecessary hardship and anxiety. In a UCU survey of staff on insecure contracts, over half of respondents (56%) said that they had struggle to pay the bills. Nearly two-fifths (39%) had had

problems keeping up with mortgage or rent commitments and three in 10 (29%) had had difficulties putting food on the table. FE lecturers speak of being unable to plan their lives and facing a choice between continuing to teach in chronic insecurity and hardship or leaving the sector.

### 2. Organisational inefficiency:

A growing body of research indicates that any so-called 'efficiency' gains from hiring teachers on the cheap are in fact illusory. Recent research into the use of flexible labour has suggested that 'easy hire and fire' is a false economy that saves money only at the cost of organisational learning, knowledge accumulation and knowledge sharing, thus damaging innovation and labour productivity growth'.<sup>1</sup>

### 3. Impact on the quality of teaching provision:

Insecure contracts and precarious work make it impossible for teachers to do their jobs properly. The sector employs around 12,000 hourly paid lecturers at least. These staff are paid an hourly rate that is often far too low for the preparation or marking time needed and they are expected to perform other duties in support of students unpaid. Teachers face the choice of having to perform large amounts of unpaid labour indefinitely or cutting corners. As one lecturer wrote to us: 'No preparation time is paid for, no marking time is paid for, no training/staff development is paid for, no meeting time is paid for. Where do I even start to detail the consequences of this type of contract on my students (past & present)? After 8 years I have decided to call it a day and am resigning at the end of this term.'

This problem is increasingly recognised by Ofsted and some in the wider sector. For example, several Ofsted inspection reports have identified a '**lack of stability in the teaching team**' as a problem in some FE college inspection reports. A joint Ofsted/Association of Colleges project into challenges facing colleges in improving teaching quality reported that managers had identified issues arising from the use of staff on agency contracts.

**'Managers judged that the high proportion of agency staff used to deliver teaching as a result of this has an impact on the overall quality of teaching and learning. For example, many agency staff had**

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<sup>1</sup> See, for example, Diannah Lowry, 'Employment Externalisation and Employee Commitment: A Preliminary Study', *International Journal of Employment Studies*, Volume 4 Issue 1 (Apr 1996) and, more recently, Alfred Kleinknecht, Zenlin Kwee and Lilyana Budyanto, 'Rigidities through flexibility: flexible labour and the rise of management bureaucracies', *Cambridge Journal of Political Economy* (2015).

*received none or very little teacher training and their work was not adequately quality assured or improved.*<sup>2</sup>

UCU is clear that these staff are working hard under contractual conditions that make life impossible for them. Rather than blame agency staff or staff on insecure employment contracts, college managers should take responsibility and transfer these staff onto directly employed and more secure contracts that let them do their jobs properly.

## **Appendix: The top 50 users of insecure contracts in Further Education**

Below are the 50 colleges using the highest proportions of insecure contracts. As with last year, the top colleges, like **Morley College** and the **Mary Ward Centre** are atypical providers with a particular employment model. Mary Ward centre, for example, uses almost exclusively term-time only contracts, in contrast to Morley College and other leading users of insecure contracts who use hourly paid contracts. However, the number 1 user of insecure contracts in the FE sector in 2015 was **City Lit**.

When UCU wrote to **City Lit** in January 2016 the institution declined to negotiate improvements with UCU. **City Lit** declined to return data to the 2016 FOI request in relation to its hourly paid staff, making it impossible to include in this year's report. This is a regrettable response to the issue and contrasts unfavourably with other comparable specialist institutions like **Morley College**, who have engaged in discussions with UCU.

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<sup>2</sup> Association of Colleges/Ofsted Action Learning Project: 'Urban Colleges': Critical factors and good practice in teaching, learning and assessment in Urban Colleges (2013)

Table 3: Top 50 colleges employing staff on precarious contracts

Please select your college from the drop down list.	All Teaching staff							
	Full time	Part time (fractional)	Variable hours	Hourly paid	Term time only	Total All Teaching staff	Total insecure (Variable, hourly paid, term time only)	% Variable, Hourly paid, Term time only
Mary Ward Centre	6	0	0	0	143	149	143	<b>96.0%</b>
Morley College	6	22	0	424	0	452	424	<b>93.8%</b>
Richmond Adult Community College	10	16	0	201	0	227	201	<b>88.5%</b>
Working Mens College, The	8	13	0	109	0	130	109	<b>83.8%</b>
West Suffolk College	81	41	0	90	322	534	412	<b>77.2%</b>
Kidderminster College (now part of NCG)	26	34	0	143	12	215	155	<b>72.1%</b>
Shipley College	17	44	0	117	0	178	117	<b>65.7%</b>
Hillcroft College	2	13	0	24	0	39	24	<b>61.5%</b>
Sussex Downs College	99	123	178	142	17	559	337	<b>60.3%</b>
Abingdon and Witney College	120	68	0	212	71	471	283	<b>60.1%</b>
Craven College	63	44	0	131	2	240	133	<b>55.4%</b>
Herefordshire and Ludlow College (Hereford Campus)	69	26	0	111	0	206	111	<b>53.9%</b>
Redcar & Cleveland College	50	22	0	81	3	156	84	<b>53.8%</b>
West Herts College	170	100	43	230	36	579	309	<b>53.4%</b>
East Coast College (Great Yarmouth and Lowestoft Colleges)	78	37	0	119	12	246	131	<b>53.3%</b>
City of Westminster College	88	27	0	126	0	241	126	<b>52.3%</b>

Brockenhurst College	81	81	0	175	0	337	175	<b>51.9%</b>
College of West Anglia	109	115	0	232	5	461	237	<b>51.4%</b>
Bradford College	283	144	0	226	225	878	451	<b>51.4%</b>
Northbrook College (now part of Greater Brighton Metropolitan College)	45	103	69	75	0	292	144	<b>49.3%</b>
City College Brighton and Hove (now part of Greater Brighton Metropolitan College)	51	68	100	14	1	234	115	<b>49.1%</b>
Huntingdonshire Regional College	48	32	0	14	59	153	73	<b>47.7%</b>
Chelmsford College	60	25	0	45	32	162	77	<b>47.5%</b>
Bishop Burton College	70	12	12	57	4	155	73	<b>47.1%</b>
Bracknell and Wokingham College	63	72	113	0	5	253	118	<b>46.6%</b>
Kensington & Chelsea College	26	56	0	68	2	152	70	<b>46.1%</b>
Exeter College	234	175	194	138	14	755	346	<b>45.8%</b>
Petroc -Barnstaple/East Devon	137	104	108	69	24	442	201	<b>45.5%</b>
Bishop Auckland College	30	29	0	48	0	107	48	<b>44.9%</b>
South Thames College	163	109	0	216	0	488	216	<b>44.3%</b>
Solihull College	130	126	12	174	10	452	196	<b>43.4%</b>
Kingston College	129	95	0	165	4	393	169	<b>43.0%</b>
West Lancashire College	60	46	0	48	30	184	78	<b>42.4%</b>
Southport College	69	70	0	94	8	241	102	<b>42.3%</b>
Bridgwater College (Taunton)	339	828	0	285	571	2023	856	<b>42.3%</b>
Kirklees College	188	107	0	190	23	508	213	<b>41.9%</b>
Amersham and Wycombe College	74	50	1	84	4	213	89	<b>41.8%</b>
Stephenson College	76	41	0	83	0	200	83	<b>41.5%</b>
East Riding College	71	51	0	58	28	208	86	<b>41.3%</b>
Sparsholt College	133	110	0	162	5	410	167	<b>40.7%</b>
Newham College	193	30	0	105	47	375	152	<b>40.5%</b>
Brooklands College	83	32	0	75	0	190	75	<b>39.5%</b>

Warwickshire College (now part of Warwickshire College Group)	220	237	0	258	39	754	297	<b>39.4%</b>
Hopwood Hall College	119	70	34	13	75	311	122	<b>39.2%</b>
Isle of Wight College	102	50	0	97	0	249	97	<b>39.0%</b>
Heart of Worcester College	126	108	7	116	19	376	142	<b>37.8%</b>
Manchester College Prison Education, The (Main College)	301	93	0	56	183	633	239	<b>37.8%</b>
Manchester College, The (Main College)	301	93	0	56	183	633	239	<b>37.8%</b>
Weymouth College	72	69	0	85	0	226	85	<b>37.6%</b>
Grimsby Institute/Yorkshire Coast College	190	130	0	191	0	511	191	<b>37.4%</b>

The full data tables covering all the FE colleges who replied to our FOI are help on our website at <https://www.ucu.org.uk/stampout>