

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

By email

9 May 2022

Dear Paul and Ruth,

2022-23 New JNCHES pay round – full and final offer

Further to the last meeting of the 2022-23 New JNCHES pay round, I write to set out UCEA's full and final offer on behalf our participating employers. Our response covers all elements of the Joint Unions' claim, with the aim of reaching an agreement with the trade unions, and should be read as a whole.

Career development, training and progression opportunities

Promoting career development is something which our members, as good employers, support. UCEA would, therefore, propose the establishment of a joint working group to examine career development and training opportunities. We understand the aspiration of the joint unions that such a working group would explore, but not be limited to, technicians and the Technician Commitment and academic-related staff. We would anticipate that the working group would be able to identify good practice with regard to career progression from within and outside the sector. However, it would remain a matter for HEIs to determine their own policies on progression between grades.

Gender, ethnicity and disability pay gaps

As we have stated previously and repeatedly, UCEA and its members share the commitment of the sector trade unions to taking action to reduce the gender, ethnicity and disability pay gaps. As the Joint Unions have recognised, this commitment was highlighted by the UCEA report *Caught at the crossroads: outlining an intersectional approach to gender and ethnicity pay gaps in HE* and UCEA's more recent research (October 2021), *Intersectional Pay gaps in HE*. UCEA's commitments in respect of the gender pay gap, and the steps already being taken by HEIs, were also underlined by the UCEA report *Taking action: Tackling the gender pay gap* which was also referenced in the Joint Unions' claim. As we explained at the final meeting of this year's New JNCHES pay round, there is substantial interest and commitment from employers in accessing benchmarking data and good practice to support their attempts to reduce pay gaps. UCEA has held a series of well attended workshops on pay gaps with a specific focus on intersectionality with our members and we would seek to build on this work in partnership with the Joint Unions. UCEA would, therefore, support the creation of a New JNCHES time-limited task and finish group, with a clear timeframe and terms of reference to:

- Examine the intersectional data, to the extent it is available, giving prominence to the findings.
- Invite HEIs to submit and/or publish their own data on a voluntary basis.
- Identify and promote good practice and the principles underpinning it, both within and outside of the sector

- make recommendations that HEIs adopt similar practices where they are able to do so.
- Identify exemplar organisations which can help institutions that volunteer as pilots on their journey to reduce gender, ethnicity or pay gaps.
- Emphasise the importance of intersectionality in determining approaches to tackling gender, ethnicity and disability pay gaps.

Workload, mental wellbeing and Covid-19

As a sector, higher education strives to provide leadership on positive support for staff health and wellbeing which not only meets minimum legal standards but goes beyond it. Throughout the pandemic, the impact of remote or hybrid working on staff has been recognised by HEIs and they have developed programmes to support employee wellbeing and to protect and promote work-life balance. UCEA has published more than 20 case studies to highlight this good practice as well as developing guidance in respect of hybrid working. UCEA and our members are keen to continue work in this area in partnership with the Joint Unions.

Although workload is not within the scope of New JNCHES, UCEA recommends the following:

- HE employers and their local trade union representatives to engage in dialogue about establishing a local/institutional approach to concerns that arise relating to stress at work.
- Where HEIs do not have such arrangements, that they put in place systems to enable individuals to raise concerns about their workload demands and to have this fairly examined.
- That HEIs have or develop procedures, relevant to their own institutional contexts, by which they can assure themselves that individuals are being given appropriate and achievable work demands against the expectations of their role and the professional discretion they are expected to exercise.
- Local action to reduce the incidence of work-related stress ill-health.

In addition, through its existing structure of the Higher Education Safety and Health (HESH) Forum, UCEA will recommend that HEIs consider adopting the HSE Stress Management Standards approach (or suitable equivalent system) where they are not already doing so. We will also remind employers of their legal obligations in respect of managing stress in the workplace.

35-hour working week

You will be aware that hours of work nationally are not a New JNCHES matter. However, in order to reach a better understanding of this issue, we propose research to establish the degree of variation in the working week length between institutions, which can be promulgated to individual institutions to work up their own positions and discuss with their local trade unions. UCEA is also willing to carry out work in partnership with the Joint Unions to develop case studies of HEIs which have managed a successful transition from a longer working week to a 35-hour week. We also welcome the Union Side's offer to share the data which it has collected in this area.

Scottish Sub-Committee of New JNCHES

In the present circumstances, the view of employers is that there is nothing within the remit of New JNCHES which requires discussion at a devolved administration level. The core purpose of New JNCHES is to determine the uplift to the pay spine. In our view, it is not appropriate for negotiations on the pay uplift to be conducted at a devolved administration level given the existence of, and support for, a UK-wide process for collective pay bargaining. There are arrangements already in place in Scotland to discuss matters of joint interest outside pay.

Contract types

The Joint Unions' claim seeks a commitment from UCEA for a joint call to HEIs in respect of several areas of employment practice which fall clearly within the remit of institutions as autonomous employers. However, in order to reach an agreement with the Joint Unions, UCEA is willing to communicate the following expectations to HEIs:

- We expect HEIs to minimise the use of hourly-paid employment to situations which are genuinely unpredictable or where such arrangements are mutually agreeable to both parties. We recommend that HEIs have arrangements whereby contracts are reviewed for transfer to a fractional contract once an agreed hours threshold is exceeded. We would expect that staff moved from hourly-paid to fractional contracts as a result of such reviews would be assimilated to the appropriate pay spine point in line with local job evaluation procedures and associated pay and reward systems.
- We expect that mechanisms exist for an individual who believes their hourly paid engagement does not provide fair terms for the work expected of them to have such a concern examined.
- We expect that when duties associated with supporting students' learning are being offered to an institution's doctoral students, individuals will be given clarity as to the work required and the remuneration for the work they perform, including where this constitutes part of a stipendiary arrangement.
- We expect institutions to have arrangements to pro-actively identify staff who have held a fixed-term contract or succession of fixed-term contracts which taken together meet the statutory threshold of 4 years for conversion to ongoing employment. We also recommend that institutions develop policies which seek to avoid an individual, unless to the parties' mutual benefit, being issued with a succession of fixed-term contracts.

In issuing these recommendations, UCEA accepts the suggestion of the Union Side that they should be communicated with HEIs on conclusion of the 2022-23 pay round. UCEA will endeavour to ensure that they are regularly and prominently communicated to our members.

In addition, with reference to Graduate Teaching Assistant (GTA) contracts, UCEA is prepared to engage in joint work with the sector unions to establish information on the nature of GTAs and similar roles, and the nature of the issues faced by your members and ours in the use of such roles. We appreciate the positive comments made by the Union Side in respect of this proposal and would reciprocate the sentiment that we hope that this joint work will lead to some positive outcomes for GTAs and employers.

Redeployment

Although redeployment is not within the scope of New JNCHES, UCEA would agree to enter into discussions with the Joint Trade Unions outside of New JNCHES to explore whether there are examples of best practice and mechanisms which could be promoted to HEIs and further improve visibility of opportunities at different institutions.

Pay uplift

Employers recognise that the effect of high inflation falls disproportionately on the lower paid. For this reason, UCEA has proposed an uplift which is structured so as to provide higher increases to those at the lower end of the pay spine. Our offer for 2022-23, illustrated in Appendix 1, is an uplift of 3 percent on all pay points, with higher uplifts for those below Spinal Column Point 20 of up to 9 percent. We believe that this is a fair and reasonable offer in the current financial climate. This offer is worth 3.18 percent on the total paybill. In making this offer UCEA has both exhausted its mandate and proposed an uplift which we know will be financially challenging for many institutions in the absence of any increase in undergraduate fee levels and ongoing expenditure increases. An uplift at this level, in order to ensure their continuing financial sustainability, will require increased levels of efficiency in very many institutions.

Pay spine review

UCEA recognises that the outcome of New JNCHES pay uplifts in recent years has resulted in differentials no longer being meaningful throughout the pay spine. We recognise that this may have an impact on perceptions of fairness and, like the Joint Unions, UCEA attaches importance to work which can help to restore meaningful differentials between spine points.

UCEA is, therefore, willing to commit to the early establishment of a New JNCHES working group on the pay spine with those unions which have concluded the pay round for 2022-23. This working group would examine the drivers, impact and potential recommendations in respect of the compression of the pay spine, particularly with a view to seeing what costed recommendations can be made jointly. Our preference is for such a working group to develop a jointly agreed position which both UCEA and the Joint Trade Unions could test with members in preparation for the beginning of the 2023-24 annual New JNCHES pay round. This would allow any agreement on reform of the pay spine to be reached by 2024, in line with the timescale set out in the Joint Union claim. This is, of course, dependent upon when the work can commence.

Pay-related allowances and London weighting

We will recommend that all Post-92 HEIs that have retained separate London weightings increase these by the same percentage as our proposed uplift.

We trust that the Joint Unions will recognise the efforts of employers to develop a meaningful pay uplift which also addresses a significant number of the many elements of this year's Joint Trade Union claim. As we have highlighted previously, we recognise the difficulty the current inflationary pressures place on your members, our colleagues and all employees. Our offer represents our best attempt to meet these rising costs while recognising the real terms fall in the unit of resource alongside other significant inflationary cost pressures for employers. Student numbers remain highly variable between institutions, with clear falls at some. Virtually all sectors are finding it impossible to get close to inflation at this time and, in a sector where price increases are not possible and expenses are rising significantly, we believe the offer we set out in this letter is comparable to or better than very many others in the economy.

Although this principle was established at our pre-negotiations meeting, we have heard the concerns from the Joint Unions about the condition that no single element of this offer will be agreed until all elements are agreed and the pay round is concluded. We hope you will recognise the flexibility we have now introduced into our final offer. Our firm belief is that all elements of the offer should be agreed before we begin work or implement any individual element. However, where there is a conclusion to the pay round from the perspective of any individual union, UCEA would be willing to enter into the joint work with them as part of our offer in respect of the compression of the pay spine. The employers would also continue to progress those areas where work was also under way.

The full and final offer set out in this letter applies to the 2022-23 New JNCHES pay round. UCEA regards the 2021-22 pay round as being closed. We understand that some constituent members of the Union Side are considering industrial action in a minority of higher education institutions. We believe this is unfortunate, particularly as some unions have chosen to pursue a national dispute through disaggregated ballots, even though a minority of branches are unable to affect the outcome when the great majority of institutions remain unaffected. We would ask that you reflect on the unnecessary uncertainty this creates for students, staff and the sector in general at an already difficult and stressful time and the great unfairness this creates for students at a minority of institutions.

We urge you to put this to your membership at the earliest opportunity, recognising that your members would hope to benefit from this offer at the earliest possibility allowed by the New JNCHES agreement.

Yours sincerely,



Raj Jethwa
Chief Executive

Appendix 1

Proposed increases to Spinal Column Points 3 to 20 (Employers' offer – 9 May 2022)

	Salary from August 2021	Percentage uplift	Salary from August 2022
3	£17,338	9.0%	£18,898
4	£17,596	8.5%	£19,092
5	£17,901	8.0%	£19,333
6	£18,212	7.5%	£19,578
7	£18,529	7.2%	£19,863
8	£18,852	6.8%	£20,134
9	£19,209	6.2%	£20,400
10	£19,623	5.8%	£20,761
11	£20,092	5.5%	£21,197
12	£20,600	5.0%	£21,630
13	£21,135	4.80%	£22,149
14	£21,686	4.50%	£22,662
15	£22,254	4.00%	£23,144
16	£22,847	3.80%	£23,715
17	£23,487	3.40%	£24,285
18	£24,174	3.20%	£24,948
19	£24,871	3.10%	£25,642
20	£25,627	3.00%	£26,396

Appendix 2

New JNCHES Pay Spine Working Group: Terms of reference

Background and purpose

The New JNCHES settlement for the 2022-23 negotiating round includes a commitment to establish a New JNCHES working group to examine the drivers, impact and potential recommendations in respect of the compression of the pay spine. The group would examine this issue to see what recommendations can be made jointly and to ensure that any proposals are properly costed. This group will attempt to develop a jointly agreed position on which both UCEA and the trade unions are able to consult their memberships, in preparation for the beginning of the 2023-24 New JNCHES pay round.

Remit of a Pay Spine Working Group

A Pay Spine Working Group will be established to undertake the agreed work. As a working group of New JNCHES it shall report to the main New JNCHES committee.

The outcomes of the Working Group will be the production of a series of proposals for the reform of the pay spine which increase differentials between points at the lower end of the pay spine. In order to achieve this, the Working Group will:

- receive data relating to the pay spine
- consider the current and future developments relevant to the bottom of the pay spine
- explore the drivers of pay spine compression
- model potential changes to the pay spine
- report and provide alternative options.

The remit of this task and finish group would be to make recommendations to New JNCHES on the matters covered in its deliberations. It is recognised that the constituent members of New JNCHES may need to consult their members on these recommendations.

Working group membership

The Working Group membership will consist of 10 members, of which:

- up to 10 representatives from unions which have agreed or noted the pay uplift for 2022-23, of which there will be up to two representatives per union
- up to 5 Employer representatives (including UCEA officers and representatives from HEIs).

Members of the Working Group should have the authority to approve work undertaken in the Group on behalf of their organisation.

The Working Group will also be able to invite additional specialists to provide input and research findings where relevant.

It may be necessary to convene a sub-group from the main Working Group, to focus on and undertake technical or research work between the main meetings of the Working Group.

Working Group Chair and secretariat

The Chair of the Working Group will be a role undertaken by an alternating trade union/employer nominee from among the membership of the Group.

Each side will appoint a lead officer who will act as co-ordinator between meetings.

UCEA will provide secretariat support to the Working Group.

Meetings

Working Group membership, lead officers and the Chair should all be agreed prior to the first meeting.

Where work is progressed through a sub-group between meetings, the lead officers will be responsible for keeping the rest of their Working Group members updated on progress at appropriate intervals.

The meetings can take place in person or virtually, so that the joint work can be completed within the agreed timescales and provide reasonable opportunity for Working Group members to participate.

A meeting may take place with at least half the number of representatives from the trade union side and employer side, provided that minutes of the meeting are circulated in a timely manner.

Responsibility for hosting meetings will be shared between the employers and the trade unions.

Timescales

The Working Group will aim to hold its first meeting as soon as possible and no longer than two months after the 2022-23 New JNCHES pay uplift is recognised as closed.

The Working Group will seek to undertake the tasks set out in its remit within six months, so as to allow both UCEA and the trade unions to consult their memberships in preparation for the beginning of the 2023-24 annual New JNCHES pay round. This would allow any agreement on reform of the pay spine to be reached by 2024, in line with the demand set out in the Joint Union claim, although this requires a timely ending to the 2022-23 round.