



UNIVERSITIES & COLLEGES
EMPLOYERS ASSOCIATION

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27 October 2015

Dear David,

I am writing in response to your letter of 26 October, sent by email. You have copied your letter to the Heads of institution at the 13 HEIs with which you have registered your trade dispute, so I will be sending them a copy of this reply. Because your letter suggests some “strain” in the spirit of the New JNCHES Agreement, although does not go so far as to say the letter of the Agreement, I am also copying our correspondence to the other four New JNCHES trade unions.

As you know the three trade unions – EIS-ULA, UCU and Unite – who invoked the New JNCHES Dispute Resolution procedure in the 2015-16 round did so in July this year; EIS-ULA wrote to UCEA on 9 July to this effect. As required by the timetable in the procedure, UCEA responded straight away to seek to set the “at least two meetings” that the procedure stipulates should take place. The disputing trade unions advised that they were unavailable to meet together during July and August and so it was agreed that the meetings would be scheduled on 7 and 17 September.

At the end of the second of the two scheduled dispute resolution meetings, the three trade unions did not signal any desire for any further meetings; the procedure makes it clear these may take place “where that is agreed between the two sides”. There was also no request from any of the three trade unions for a consideration of third-party assistance (normally Acas), for which the procedure indicates a decision “should be taken within the following 7 working days”.

In fact the three disputing trade unions all indicated to us at the end of the final dispute meeting held on 17 September that they would report back from the conclusion of the dispute process to their respective members, branches and committees. We understand that EIS-ULA Executive met on 14 October to receive your report on the outcome of the dispute process. In that intervening period we know that Unite conducted a consultative ballot of its members and UCU held a series of regional consultative meetings.

For EIS-ULA to suggest by writing five and half weeks later that it now may not regard the dispute procedure as exhausted – if that is what your letter means – is, of itself, an action that I feel risks putting the spirit of the Agreement under strain. UCEA does not concur with a view that a Dispute procedure concluded in mid-September can be resurrected after this period of time.

It is certainly regrettable that EIS-ULA is still in dispute and intending to ballot its members for industrial action, as indicated in your letter of 20 October to the 13 HEIs where you have members. You know that, in addition to the two trade unions that accepted the 2015-16 settlement in July, we have now heard from both UCU and Unite that they are concluding the round and ending their disputes. EIS-ULA is therefore out on a limb as one of the five parties

to the trade union side in New JNCHES, by deciding to remain in dispute and ballot its members for industrial action.

The employers made it very clear during the dispute meetings why the final offer was at the limits of what was affordable and sustainable for the participating employers. You also heard the employers explain that the position was no different in Scottish institutions. There is nothing that has changed that view and we stand by the advice to participating institutions that they should take steps to implement the award with effect from this November. You will, I trust, recognise that the 147 employers represented in the 2015-16 negotiations do not feel it is fair to hold off from moving to implementation of the award as now concluded with four trade unions. Doing so at this late date will already mean that it is being implemented three months late and deferring implementation could mean making employees wait into 2016 before they saw the pay uplifts they are due from August 2015.

If you feel that meeting again with UCEA as representative of the employers in New JNCHES would be helpful, then I will remain happy to see if this can be arranged.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen Fairfoul', with a stylized flourish at the end.

Helen Fairfoul
Chief Executive

cc:

Paul Bridge, National officer, UCU
Donna Rowe-Merriman, National officer, UNISON
Mike McCartney, National officer, Unite
Sharon Holder, National officer, GMB