

WITHOUT PREJUDICE

New JNCHES Negotiations 2013-14: UCEA's Final Offer

The employers have reflected carefully on all the discussions of the trade unions' joint claims that have taken place in the meetings of New JNCHES. UCEA remains very concerned about the significant on-going change facing the higher education sector, as well as the financial challenges and uncertainty facing participating HEIs. In relation to institutional surpluses, the employers' side has explained that these are not surplus to requirements but are needed for essential investment, and as a buffer in such uncertainty, including likely future cuts in government funding. As such, the employers are not in a position to contemplate a pay award of the order that would meet the aspirations of the trade unions' original claim.

Against this background, and following four negotiating meetings, the employers set out their final composite offer below.

Pay elements

- **Pay:** the employers make a final offer of an increase of 1.0% on all points on the JNCHES pay spine, noting that service increments for eligible staff would increase the pay bill by a further 1.4%.
- **London Weighting:** in line with previous practice, we will make a recommendation to Post-92 HEIs which have retained separate London Weighting.
- **Living Wage:** the employers acknowledge the particular importance which the trade unions' attach to the position of those on the lowest pay points. However, under the National Framework Agreement the use of points on the national pay spine is a matter for local determination, in consultation with local trade unions in accordance with local practice. The working week varies across HEIs, as does the use of pay points to reflect local employment markets. The unions' proposed approach of deleting two points from the pay spine and applying the percentage increase would distort local grading arrangements and differentials. UCEA has no mandate to delete points from the spine and has indicated that the Living Wage is a matter for local determination. However, a 1.0% increase will bring point 1 above the Living Wage for HEIs with a 35-hour working week; point 2 above the Living Wage for HEIs with a working week of 35 or 36 hours; and point 3 above the Living Wage for all HEIs. Many HEIs are already paying at a level that meets the Living Wage, as well as providing a generous total reward package of benefits, which are not reflected by the Living Wage Campaign.

Pay-related elements

The employer's position in respect of this part of the unions' claim is set out below.

- **Gender pay gap:** UCEA has now launched the survey of HEIs on the conduct and outcomes of equal pay reviews, as agreed as part of last year's settlement. The UCEA Chair, Professor Curran, has written to all heads of institution encouraging them to complete the survey, which closes on 29 May. The results are expected to be available in June and will be shared with the trade unions. We anticipate that the survey results will enable us to understand more about institutions' approaches to identified gaps for *all* levels of staff.

The employers are willing to build on this work by collecting qualitative information from a sample of HE institutions in order to understand better the nature of any gender pay gaps that are found, the possible reasons for these, and the types of measures being taken to address them. UCEA will also seek an illustrative example of practice in another relevant sector. This work will be overseen by a New JNCHES technical group which will agree the terms of reference, the selection of case studies, and the final outputs from the work.

- **Extending the pay spine:** the New JNCHES Agreement, as recently reviewed and agreed by all parties, defines the scope of the negotiating framework as covering staff paid on the 51-point spine. UCEA has no mandate to extend the scope of the negotiations. However, we have established that approximately 85% of the workforce is covered by this year's negotiations. We recognise that the unions' claim is in part informed by a concern over gender pay issues. The equal pay review survey will inform our understanding of institutions' approaches in respect of all staff.
- **Issues regarding hourly-paid and casual staff:** we note the trade unions' concern over the extent and nature of the employment of staff in these categories, notably where variable hours contracts are in use. UCEA recognises that, where necessary, employers will use short-term and flexible contracts to meet the changing demands on HE institutions. We also recognise the unions' aspirations including predictability in the working patterns for their members, security, fair treatment, and for hourly-paid lecturers, issues regarding their engagement with departments. Against this background and with a view to arriving at a better understanding of the nature of contractual arrangements in use and any trends in their use, UCEA will analyse the published data on 'atypical' staff (e.g. from HESA) to understand the patterns of use across the HE workforce, as well as any trends over time. In addition, UCEA will gather illustrative examples through case studies of the modes of employment, the nature of the employment relationship, and contractual arrangements in use within the sector. This will cover a range of institutions and both academic and support staff. This work will be overseen by a New JNCHES technical group which will agree the terms of reference, the selection of case studies, and the final outputs from the work.
- **Workload and working hours:** UCEA's work with members indicates that HEIs are taking a range of approaches to this issue (with variations even within individual institutions) and these are matters for local determination. We recognise that both employers and staff wish to achieve an appropriate work-life balance within overall institutional aims. We note that the Managing Academic Workloads project has done useful work on this issue, with input from UCEA and the UCU, and we will draw this to the attention of HEIs.

- **Measures to avoid redundancies:** are matters for local determination in dialogue with the recognised trade unions. This local dialogue and the commitment of employers have contributed to well-developed policies and practices within HEIs and we note the trade unions' interest in proactive redeployment practice.
- **Disability leave:** as a result of last year's settlement, joint work is on-going to collect examples of practice in managing reasonable adjustments to support disabled staff, in collaboration with the Equality Challenge Unit. UCEA remains committed to completing joint work with the trade unions, which goes beyond that agreed within last year's settlement. The outcome from this work will undoubtedly raise awareness among sector employers of effective practice in this area.

Concluding comment

We hope our trade union colleagues will carefully consider the employers' final offer, including our positive responses to the other elements of the claim where we have indicated proposals for joint working.

We look forward to the trade unions' responses.

21 May 2013