

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

**By email**

18 November 2020

Dear Paul and Ruth,

**JNCHES negotiating round 2020-21**

I am writing to follow-up the helpful discussions at the Autumn JNCHES meeting on 5 November 2020. This meeting was scheduled in order to review the situation facing the higher education sector as we struggle to meet the evolving challenges created by the coronavirus pandemic.

You will be aware that, in advance of that meeting, UCEA provided an updated Employers' Statement. I am conscious that we were not able to provide it more than a day ahead of the meeting. As we explained, this was because we were trying to provide as current a picture as possible of the state of the sector. Consequently, our survey of higher education institutions (HEIs) only closed a day earlier. As you will recall, the survey confirmed that the vast majority of HEIs face reductions in most of their major income streams, while simultaneously increasing investment in a range of new activities as a result of the pandemic.

As we have previously expressed, our members recognise and are genuinely grateful for the efforts of all staff across the higher education sector who have helped to meet the variety of challenges created by the pandemic. I want to emphasise again that investing in our workforce, when conditions allow, is extremely important to our members. The fact that institutions have not been able to invest nearly as much as they would wish to is a matter of deep regret for UCEA's members.

The pandemic has lasted much longer than initially anticipated but, I would hope that the trade unions recognise the very real attempts by HEIs to minimise the impact of the pandemic crisis during this extended period of ongoing uncertainty. I also hope that the trade unions recognise and acknowledge the substantial efforts by institutions to operate safely and to engage with unions locally to ensure a safe return to campus.

As we have previously stated, given the uncertainty which continues to face the sector, UCEA is not in a position to offer an uplift in pay for 2020-21, with the exception of addressing issues in relation to the National Living Wage. However, if circumstances allow, to assist both parties to move on from the 2020-21 pay round we would be willing to think flexibly about when to begin negotiations on the 2021-22 pay round.

Beyond the freeze on uplifting the pay spine for 2020-21, there were also a number of other items in your without prejudice proposals of 2 October. As we have explained in recent meetings, the operating environment has become much more difficult for the sector since the submission in March of the trade unions' claim for this negotiating round. This not only places severe financial strain upon our member institutions, it also limits the capacity of institutions to engage meaningfully in new initiatives and activities which are likely be necessitated by other aspects of your claim.

We have stated before that this is not a position which employers wish to be in. We would, therefore, like to find a mutually agreeable basis upon which to conclude the 2020-21 negotiating round. While the capacity of our members to deliver within the 2020-21 pay round is limited, we will continue to do all we can to engage constructively despite the challenges we face. If the trade unions are able to note the freeze on uplift of the pay spine and conclude the 2020-21 pay round, we would look to progress the following areas of joint work:

### **Casualisation**

Our expectation is that, with some legitimate exceptions, indefinite contracts should be the general form of employment relationship between employers and employees in HEIs. We also expect HEIs to minimise the use of hourly-paid employment to situations which are genuinely short-term and unpredictable or where such arrangements are mutually agreeable to both parties, and that local discussions take place between HEIs and trade unions with a view to eliminating or phasing out the use of zero hours contracts where possible by establishing alternative flexible employment arrangements. We would consider joint work to establish a clearer picture of the use of zero-hour contracts across the sector.

### **Workload**

The trade unions' without prejudice proposals include joint work and research into the changes to working practices and workloads as a result of the pandemic. UCEA has developed a number of case studies and resources which are relevant to this and we note that the without prejudice proposals cover a number of areas, including how management and unions have cooperated to agree changes and the impact of health and safety and risk assessment controls. We feel it would be positive for the sector to consider a project identifying positive practice of employer and union engagement to address the challenges created by the pandemic, particularly referencing how our jointly developed principles have been applied locally. We believe that this is an important proposal for joint work.

### **Pay gaps**

UCEA and our members are committed to taking action to close the gender, ethnicity and other pay gaps. This commitment builds upon a range of previous work, including UCEA's own reports 'Taking action: Tackling the gender pay gap' and 'Caught at the crossroads: outlining an intersectional approach to gender and ethnicity pay gaps in HE'. We propose a joint task and finish group to develop an analysis alongside potential solutions for HEIs to consider as part of a checklist of materials. This work would also include case studies to highlight a broad range of potential solutions across the employment experience, from recruitment through to progression, the effect of career breaks and work on closing identified ethnicity pay gaps. We believe it would be a positive step for employers and unions to work together to conduct research into career progression for women and BAME members of staff and to engage in joint work to improve access to data sets across all grades and staffing groups.

## **Career development**

Promoting career development is something which our members, as good employers, support. We would suggest the establishment of a working group to identify case studies from both within and outside of the sector which highlight positive approaches to career progression.

## **A national framework for a 35-hour working week**

We propose research to establish the degree of variation in working week length between institutions. In the event that proposals were developed in respect of this claim, these could be considered, subject to consultation with our members, in a later year when financial conditions stabilise.

I hope that the trade unions will recognise the high degree of uncertainty affecting the sector. I also hope that the trade unions will understand that, while the ability of employers is limited in this negotiating round, we are engaged in genuine attempts to provide stability for the sector and its workforce as well as the students who depend on all of those involved in the sector. If we are able to conclude the 2020-21 pay round on the basis of UCEA's proposals, which are made in addition to the separate joint work being undertaken regarding Covid-19, this will place the sector in a better position for future negotiating rounds.

Let me conclude by reiterating UCEA's ongoing commitment to New JNCHES and to national collective bargaining.

Yours sincerely,

A handwritten signature in black ink that reads "Raj Jethwa". The signature is written in a cursive style with a horizontal line underneath the name.

**Raj Jethwa**  
Chief Executive