

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

By email

8 July 2020

Dear Paul and Ruth,

JNCHES negotiating round 2020-21

I am writing to you as the Joint Secretaries for the unions at JNCHES to set out UCEA's response to the points raised by you and your colleagues at the JNCHES meeting held on 7 July 2020. In response to UCEA's proposal for a pay freeze for 2020-21, the Joint Higher Education Trade Unions had called for a New JNCHES negotiation meeting to be held before mid-July. I would like to start by reiterating that our team found the exchange of views helpful and we were grateful for the constructive nature of the discussion given the difficulties facing the higher education sector as a result of the coronavirus pandemic. We hope that your colleagues also found the meeting helpful. For our part, as we stated in the meeting, we welcomed the emphasis on the importance of the relationship between unions and employers as reflected in the approach and ethos of the New JNCHES machinery.

A further point which we would like to reiterate is that our members recognise and are extremely grateful for the efforts of staff across the higher education sector who have helped to meet the variety of challenges created by the pandemic. This crisis has underlined the extent to which our staff are our greatest asset and that investing in our workforce is important to our members. However, we also welcome the Union's understanding and analysis of the scale of the financial challenge which confronts us.

At the conclusion of the meeting UCEA committed to responding in writing to the points raised at the meeting by the Joint Unions. I address those below.

Autumn JNCHES meeting

We fully understand that New JNCHES needs both to work and be seen to work for all parties if it is to remain credible with both employers and the Joint Unions. The circumstances created by the coronavirus pandemic make the usual process of negotiation extremely challenging in respect of the issues relating to pay. Our member institutions have left us in no doubt that, under the financial impact scenario currently being modelled, there is no ability to offer a general pay uplift for 2020-21. We accept there is a possibility that the anticipated shortfall in domestic student numbers may not be as bad as currently being modelled across the sector, but there will undoubtedly be a shortfall in international numbers.

The impact of the pandemic on other aspects of HEIs' funding and income should not be overlooked either. While the probability of an upturn that would eliminate the sector's financial problems at all institutions seems low, at the JNCHES meeting the Joint Unions asked for the New JNCHES autumn meeting to be convened to review the financial position of the sector. Our current mandate from our members prevents us from re-opening negotiations for 2020-21 later this academic year. However, UCEA believes it would be a reasonable step to repurpose the Autumn JNCHES meeting to formally reassess the financial impact on the sector and the implications of this for the 2021-22 negotiating round. If circumstances allow, this would allow us to think flexibly about future pay, which we would be willing to proactively interpret with you at that time.

Living wage

An important issue which the Joint Unions have raised is the impact that a no pay uplift proposal will have on those on the lowest points of the pay spine. Our proposal over the short-term is to help our members to model the increases needed to ensure that those pay points do not fall below the National Living Wage. In the short term we would envisage that this would require an annotation to local pay scales to recognise that the hourly rate may need to be higher than that implied by dividing the pay point by the number of weekly hours in the contract of employment. While it is for individual employers to ensure that they maintain compliance with the National Living Wage, it is important that the New JNCHES Pay Spine incorporates pay points that our members are able to use to ensure this. We would, therefore, propose a joint task and finish New JNCHES working group to review and make recommendations on how HEIs can keep in step with the National Living Wage in 2020-21 in the context of a pay freeze.

Equality considerations

The Joint Unions have proposed that discussion should continue on the equality-related elements of the claim. HE employers 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'.

In January we made proposals for sector and institution-level action in respect of the gender and ethnicity pay gaps, casualisation and workload. These have since been revised through further informal discussion with UCU negotiators and are currently the subject of a consultation among UCU members as part of UCEA's full and final offer on the 2019-20 negotiating round. We believe that these actions will go a significant way to addressing the concerns which unions have raised and we believe that these proposals should form the basis of any further discussion. We propose that, between now and the Autumn JNCHES meeting discussed above, there should be further formal JNCHES meetings specifically to explore further equality and related matters, once we know the basis on which these parts of the discussion are starting from. These could include the impact of different working arrangements and staffing levels.

Career development

In respect of the Joint Unions' call for the establishment of a working group to look at career development and progression issues and training opportunities, we understand that the desire is that this would look at, but not be limited to, technicians and the Technician Commitment and academic-related staff. We believe that we might be able to address this through the creation of a task and finish group, but we would be interested in discussing this further with you so that we can fully understand its purpose and define its scope.

Scottish JNCHES Sub-committee

The Joint Unions have requested the establishment of a Scottish JNCHES Sub-committee. You will be aware that this has been explored in previous years. Our Scottish members value the UK-wide role that New JNCHES has in negotiating pay and they wish this to remain in place. In the view of our members, we can see no issues

directly relevant to JNCHES which need to be negotiated or progressed at a devolved nation level. While we acknowledge that there may be issues which would benefit from discussion at a devolved nation level, other mechanisms exist which allow for this.

Supporting the workforce through the pandemic

In addition to the formal JNCHES meetings proposed above, as you will be aware, UCEA has been keen to continue talks with the Joint Unions through our sector-level roundtable meetings. These have allowed us to explore actions and develop joint positions to support the sector in meeting the challenges created by the pandemic. A concrete example of this was the publication of the agreed '[Principles for working safely on campus during the coronavirus \(Covid-19\) pandemic](#)'. Following the last meeting we have committed to discussing with you how these principles may be adapted as the evidence base changes, particularly in respect of the impact of the pandemic on specific groups within the population and their applicability to the whole campus community.

As part of this ongoing process of dialogue, you will know that we have committed to working with the Joint Unions to explore a common position on influencing key stakeholders including Government on financial support for the sector. We have also agreed to further discussion on the possibility of establishing joint aspirations to minimise the impact on jobs arising from the pandemic, including any equality considerations that may arise.

Ongoing commitment to New JNCHES

UCEA wishes to be explicit that we remain committed to New JNCHES and to national collective bargaining. We are already working on finding dates for the 2021-22 round. We believe this addresses an important element of the calls from the Joint Unions.

Pay for 2020-21

Given the pressures facing the sector, UCEA is not in a position to offer an uplift in pay for 2020-21 apart from addressing issues around the National Living Wage. We believe this will provide institutions with the financial capacity to minimise any impact on staffing. Any uplift would only reduce their ability to do so. If this is to be taken fully into account in workforce and financial planning, institutions will need certainty over the next week or so. By not agreeing the pay freeze element as part of JNCHES quickly we believe this endangers JNCHES, at least in the short term as more employers will join those that have already declared a local pay freeze. Therefore, whilst we are willing to offer further meetings to negotiate on the other important aspects of the Joint Unions' claim as set out above, we do not think that it helps to protect jobs to continue discussion on pay for 2020-21.

We recognise that this will be a disappointment to your members, but we trust that they understand the scale of the pressures facing the sector. Like you we are looking for ways for the sector to weather the huge difficulties currently being faced in a way that does not do avoidable medium-term damage in respect of careers, employment, the equality agenda, and the national bargaining framework – that is why we have made the difficult and unwelcome proposal on pay, and why we are looking to bring this year's pay round to a very quick conclusion.

Yours sincerely,



Raj Jethwa

Chief Executive