

Deborah Shepherd  
EIS

**By email**

21 September 2021

Dear Deborah,

### **Conclusion of the dispute resolution procedure – New JNCHES negotiating round 2021-22**

I am writing following the second dispute resolution meeting which took place on Tuesday 14 September 2021. This was the last meeting arranged under the New JNCHES Dispute Resolution Procedure. At the conclusion of the meeting the employers agreed to write to you to confirm our final offer. There were two aspects of the rejection by EIS of our final pay offer, which we address below.

#### **Pay uplift**

It is important to emphasise that the final offer from employers for the 2021-22 New JNCHES pay round was made on behalf on institutions in England, Northern Ireland and Wales, as well as institutions in Scotland. The position across the higher education sector in all four nations is one of continuing uncertainty which has now been translated into clear pressures for many higher education institutions. It is within this context that UCEA has tried to produce a pay outcome that is fair and sustainable. In making this offer UCEA has not simply adopted the lowest common denominator. We have fully exhausted our mandate in carefully constructing an uplift which balances affordability across our member institutions, many of which now face considerable financial pressures, with a meaningful uplift for staff in the sector. We hope that EIS can appreciate our efforts in producing this offer.

The uplift would be graded in such a way as to award increases of between 1.54 percent and 3.6 percent for pay points below Spine Point 22, with an increase of 1.5 percent to all pay points at Spine Point 22 or above. This uplift is in addition to the progression pay increases, ranging from 1.5 percent to 3 percent, for around half of eligible staff covered by the negotiations. For the avoidance of doubt, this fully exhausts the available mandate on pay as indicated by the sector and agreed by the UCEA Board. We believe that our full and final offer on the pay uplift is both fair and sustainable.

#### **Scottish Sub-Committee of New JNCHES**

The Joint Unions' Claim for 2021-22 included a demand to establish "the Scottish sub-committee of New JNCHES as set out under the New JNCHES agreement" and locates the basis of this claim under the first bullet point of section 10 of the New JNCHES agreement.

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The Joint Unions' claim asserted that a Scottish Sub-committee of New JNCHES would need to ensure that the Fair Work Convention was embedded within Scottish HEIs.

As you will be aware, the New JNCHES agreement does not specifically provide for the establishment of a New JNCHES Scottish sub-committee. The precise wording of the agreement is that "JNCHES will facilitate discussion between union and employer representatives from institutions in the devolved administrations, about pay and related matters, if these are not taking place under other auspices". 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 a UK-wide process for collective pay bargaining. UCEA recognises that there may be issues beyond pay, including those relating to the Fair Work Convention, which require discussion between employers and unions. However, as UCEA members are autonomous employers, these discussions are best taken forward at an institutional level.

In our dispute meetings, EIS representatives expressed a degree of frustration with the current system of collective pay bargaining within the higher education sector. As you identified, UCEA has embarked upon a sector-wide consultation on the future structure of pay bargaining. As part of this process, UCEA would welcome the views of EIS and other unions on the effectiveness of New JNCHES.

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