



## **Higher Education Consultative Ballot Briefing**

This briefing is designed to give background and information to those staff working in higher education institutions (HEI's) affected by the joint union pay claim on behalf of Unite and other trade unions submitted to the Universities and Colleges Staff Association (UCEA) for HEI's on the attached list.

It will outline what the claim consisted of, the response by UCEA and its final offer, research material obtained by Unite in relation to finances and pay arrangements within HE for staff in and above the 51 point pay spine, other economic indicators, the decision of the Unite National Education Committee, the HE Consultative Ballot implications and what will occur if the HE Consultative Ballot is accepted or rejected.

## **2009 and 2010 NEW JNCHES union claims**

### **The 2009 claim**

In short the RPI rate for the period of the 2009 claim was around 3%. The offer from UCEA was 0.5% which meant in real terms pay for those on the 51 point pay spine fell. Another strong feature of the 2009 claim was the joint unions' insistence on a full job security agreement for all staff working in higher education.

The 2009 claim is available to members only at

[http://www.unitetheunion.org/sectors/education/2009\\_higher\\_education\\_pay\\_disp.aspx](http://www.unitetheunion.org/sectors/education/2009_higher_education_pay_disp.aspx)

Unite members overwhelmingly rejected via workplace ballots in which all members were entitled to attend the 2009 final offer from UCEA of 0.5%, partially because it did not contain any job security element.

In August 2009 Unite entered into a dispute process with UCEA joined by other unions such as UCU, GMB and EIS. Unison voted to accept the offer but subsequently carried on in the dispute talks with observer status only.

In a series of meetings from August 09 until November 09 using ACAS a special "Job Security Digest" written by ACAS was enough at that stage to get all unions to note and accept that 0.5% offer and the promise by UCEA to set up sub committees on sustainability, pay data as well as to promote the Job Security Digest to its subscribing members. Unite received its mandate to accept this outcome by workplace ballots in December 2009.

However it should be understood that although the 2009 issues were temporarily resolved all unions were determined to revisit the issues in the 2010 claim and to seek to recover any lost ground as part of the 2010 process.

## The 2010 Claim

The joint HE unions prepared and submitted the 2010 claim in March 2010.

The claim called on UCEA subscribers to recognise the fall in real terms of pay within the HE sector especially for those staff in the 51 point pay spine. It argued for a catch up element for the 2009 real terms shortfall and based on estimates of the 2010 economy for an increase to protect against high inflation rates expected in 2010. At the time of the claims submission inflation was 5.3% although it has dropped back a little and as of July 2010 was 5.1%.

In order to protect salaries against those real term cuts the joint unions modestly sought a 4% increase.

As part of the claim and because all parties knew that 2010 was likely to see further job loss through redundancy the joint unions sought a full proper job security agreement a step further than the ACAS Digest which was only a "guidance note" and not a full written agreement.

The claim also sought to extend the range of wage bargaining in the HE sector above the existing 51 point pay spine. The reasoning was that pay in this area was conducted on a series of nods and winks and was not equality proofed or transparent. Also many Vice Chancellors and Principals were increasingly abusing the system by awarding some staff increases far and above the worth of these staff. Further details of these "snouts in the trough" will be shown later on.

The joint union claim also covered other items on working hours, premium rates, staff, external examiners and other innovative items. Unite was particularly strong on getting an underpinning for low paid staff who had suffered the worst in the higher food or fuel inflationary aspects of the last two years. Unite also asked that the claim included an item that children of staff working in HEI's should receive some fee remission as recognition for the contribution of staff with families attending their own HEI.

Full details of the joint union claim for 2010 are presented on the Unite website at

[http://www.unitetheunion.org/pdf/JOINT\\_HE%20UNION\\_NATIONAL\\_CLAIM\\_2010\\_FINAL.pdf](http://www.unitetheunion.org/pdf/JOINT_HE%20UNION_NATIONAL_CLAIM_2010_FINAL.pdf)

## Snouts in the trough

Through a series of researched articles most notably by The Times Higher Education Supplement and The Guardian newspaper it became clear throughout the period in 2009 that although UCEA were arguing staff and unions should show restraint on pay increases VC's and Principals had been helping themselves to large increases in salary hidden behind so called Remuneration Committees. This back scratching oligarchy had ensured many senior staffs were very well remunerated at a time most other staff were limited to 0.5%.

Details of the **Guardian** research showed this graphically, please see Appendix 1. Unite did its own research based on Freedom of Information (FOI) requests. For various reasons we did not get responses back from all UK institutions but again the research result is consistent with the Guardian survey material and shows just how many HEI's paid staff above the 0.5% figure in 2009 when UCEA were seeking to limit staff pay negotiated by the joint unions. The full dataset is

available to members and copies have been supplied to local representatives for this purpose.

The Unite FOI request results can be viewed Appendix 2. The FOI data shows some staff receiving 5%, 10%, 15% and even 20% increases in pay, this is at a time when the rest of the HEI sector received 0.5% increase.

The Unite negotiators and its National Committee believe it is wrong to try and limit staff pay below 0.5% at a time when inflation is well beyond 5% and when others in senior managerial positions have not sought to limit their own increases.

Of course these same senior staffs are now seeking to claim they are limiting their pay for the future but that was before many had managed to bank sizeable increases. We can speculate as soon as the public interest has moved on to other matters these same snouts will be back in the same troughs. In the meantime your pay will have eroded in real terms.

Not all academic and academic related staff have been treated so generously. The joint claim sought to bring an extension of the 51 point pay spine so that the unions could bring clarity, transparency and fairness to all staff working in higher education not just the "golden" few.

## **Low paid staff**

Unite has a long and proud tradition of seeking to protect our lower paid staff. For that reason it was Unite that specifically raised the question of treatment of low paid staff in previous claims and in particular the 2009/2010 pay claims. It was Unite that asked UCEA on the 28<sup>th</sup> May 2010 if the UCEA Board would make a special provision, perhaps by way of a lump sum payment, to low paid staff. In the end UCEA finally admitted in July 2010 that they were not making any provision for a lump sum increase for low paid staff.

## **The UCEA Offer**

### **Pay**

The UCEA offer was originally for a 0.25% increase unconsolidated to all staff on the 51 point pay spine. That offer was worth just £32 per year to staff on the lowest spine point. The unconsolidated item was an attempt to stop the increase going into pension or premium rates such as overtime calculation. After 4 sets of negotiation meetings the offer was eventually increased to 0.4% consolidated. That is still a paltry £52 per year to the lowest paid staff and with little consolation that it would count towards pension and premium payments.

### **Time Limited Offer?**

UCEA have issued a warning that the 0.4% offer may be withdrawn especially if the Comprehensive Spending Review in October 2010 has any further reductions in funding for the HE sector. UCEA advise the trade unions should decide by late October 2010 otherwise the offer may be withdrawn.

### **Job Security**

UCEA advised union negotiators that they are prevented by their subscribers from negotiating or signing up to any form of job security agreement. This is despite

the fact we all know it will be the hot topic for years to come. Perhaps that is why HEI's refuse to talk about it!

Unite will continue to press for a proper job security agreement and urges members for their own safety and protection to insist their HEI signs up to an agreement as good as the draft agreement sent to all union reps earlier this year. These drafts are not particularly onerous on HEIs. They do ask for more consultation time than Statute allows as well as a series of redundancy avoidance measures that any prudent employer should take. These include items such as a local redundancy avoidance committee to seek other measures to avoid job losses.

Many employers adopt these redundancy avoidance measures in full consultation and negotiation with their trade unions. Measures such as job share or flexible working or planned early retirement bring benefit to both employers and employees but the current ostrich like attempts by employers are preventing the issue being discussed nationally.

The Unite advice to employers is "if redundancy is going to be an issue sit down and negotiate the processes rather than try and force through draconian measures on staff".

## **New JNCHES Sub Committees**

UCEA are offering a further series of sub committees within the New Jnches negotiations to progress other items such as sustainability, sharing data on pay and equality issues such as the pay gap between men and women. The concern is that UCEA and its subscribers want talking shops and not progressive ideas and elements. So far this year the current sub committee groupings Equality, Sustainability and Pay Data have held a dozen meetings with no tangible outcome so far.

## **Training, Development and Career Progression**

This was another Unite initiative that UCEA and its subscribers say they are keen to implement. However we have no progress on this to date.

## **London Weighting**

There is a minor offer for those post 92's HEI's to uplift rates by 0.4%. With inflation over 5% as of July 2010 this is further erosion of the benefit.

## **What is not in the offer?**

As reported earlier no progress at all on a job security agreement.

There is also a complete absence of initiative from UCEA to extend the 51 point pay spine even though the current system is not equality proofed, is potentially against equality legislation, opaque instead of transparent and open to abuse as the research material attached shows.

There is no offer on a move to a 35 hour week a commitment entered into by UCEA on behalf of HEI's as far back as 2004 and still not implemented in a host of HEI's.

There is no consideration in national discussions on overtime premia or call out rates despite this being included in both the 2009 and 2010 claims.

There is no offer to apply Unite's idea of reduced fees for children of staff attending as students the HEI where their parents work.

## **The next steps**

More than the absence of many of the items within the claim there is a feeling by your negotiators that HEI's do not value either the staff or the national negotiating arena. There is a sense of almost contempt by HEI's for having to engage with trade unions on the awkward matters such as pay, job security and equality issues.

There is a sense from some HEI's they would opt out of negotiations but they would only have to do negotiations on a local level and they don't want to do that either. The national negotiations are the least worst option so they tolerate it.

From a trade union perspective HEI staffs are not being taken seriously or with due respect that unions representing the larger part of staff employed in HEI's should receive. Respect is a two way street something that is easily lost and difficult to maintain especially when UCEA is unable to negotiate except within very tight constraints.

If we let this situation continue either there will fewer negotiations in future or more imposition or deterioration in negotiations with the number of items that can be discussed growing fewer and fewer.

If you value what trade unions have achieved from the better than average holiday entitlement, pension and pay arrangements that existing staff enjoy, it should be recognised that many of these benefits were achieved by careful negotiation from unions. This meant pressure at the right time and an underlying respect between the parties. If you support that then it is also a time to accept that without such respect your terms and conditions will be a point of attack from those VC's and Principals who need to save money in order to give themselves more.

It is time to put up or shut up.

The Unite National Education Industry Committee recognised this when it voted overwhelmingly to reject the UCEA offer.

Two other unions have already rejected the UCEA offer, they are UCU and EIS.

The other two unions GMB and Unison are doing there own consultation and results from them both should be ready by late September.

The recommendation from your negotiators and the Unite National Industry Education Committee is to **REJECT** the offer.

It is now your turn to decide what to do.