



The consultation on the revision of the Concordat to Support the Career Development of Researchers: UCU's response

Background:

This document represents UCU's response to the consultation on the revised Concordat to support the Career Development of Researchers, which opened in November 2018 and which closes on 7 January 2019. Our thanks to the more than 4000 research-active staff who helped shape this response from the voice of research active staff in the UK higher education sector.

Please provide the name of your group or organisation:

University and College Union (UCU)

Please provide any further information that will help contextualise your response

UCU is a national trade union for academic and related staff with 122,000 members. We represent academic and related staff in further and higher education. UCU's response draws on the national policy of the union, developed by our democratic Congress and involves contributions from its Anti-Casualisation Committee. The response also draws on a survey of 1,500 research staff in 2015 and a survey of 3,400 research active staff in higher education, specifically directed to assessing members' views of the proposals to revise the Concordat. The results of this latter survey have been published in UCU's report *The revised Concordat: what do research active staff say?* (UCU, December 2018) https://www.ucu.org.uk/media/9992/The-revised-Concordat--what-do-research-active-people-say-Dec-18/pdf/ucu_concordat-report_dec18.pdf

The review highlighted that the existing Concordat has had some impact in driving cultural change. What in your view would make the revised Concordat more effective? What are the opportunities and challenges (within your organisation / across the sector) in implementing the Concordat?

Great emphasis has been placed on the need for the Concordat to be 'light touch' to ensure that the sector as a whole 'owns' the document. This is understandable in part due to the diversity of the agents in the system and the existence of notoriously 'heavy handed' policy instruments in the form of the REF and TEF. However, the emphasis on ownership and light touch has resulted in a Concordat which lacks teeth. 'HR Excellence Awards' are widely viewed by staff to be little more than tick box exercises that have effected little meaningful change for research active staff and the Concordat oversight is seen to reward 'looking busy' with multiple policy initiatives rather than demonstrating and evidencing substantial change. There is no virtue in ownership of a document that makes little tangible difference to the people it purports to represent.

One of the very welcome elements of the revised Concordat is the greater emphasis on the obligations of employers, funders and PIs. This seems to reflect a welcome determination that the Concordat should drive change in the sector. A greater level of accountability and transparency in the delivery on these obligations and a need to put in place action plans which show measurable outcomes would support this aspiration. There should also be a greater recognition of the role of trade unions in delivering on these objectives. The landmark cases in relation to the redundancy rights of fixed-term staff and the misuse of 'objective justifications' for the use of successive fixed-term contracts were taken by the University and College Union. Some universities have worked effectively with UCU to tackle some of the worst problems associated with the use of fixed-term contracts and where there are case studies of good practice it is generally the case that the institution involved has worked with UCU. At national level, the employers' organisation UCEA has abjectly failed to engage meaningfully with these issues, while employers' representatives played a shameful role in lobbying to weaken the collective consultation obligations of universities in relation to the redundancy of fixed-term staff. However, it remains the case that experience at local level shows that effective collective work with trade unions is one of the best guarantees of a genuine collective shift in culture and practice. The obligations on employers should explicitly refer to the need to work with trade unions.

11. In general, do you support the proposed structure of the revised Concordat to include:

Principles: Strongly agree

Obligations: Strongly agree

Examples of good practice: Strongly agree

12. In general, do you support the structure segmented by these different groups?

Researchers: Agree

Principal investigators: Agree

Employers: Agree

Funders: Agree

13. How can the structure or format of a revised Concordat improve accessibility and use by researchers, PIs, employers and funders?

The structure and format should be tailored to the different constituencies in the form of an easily digestible 'contract' of obligations for each party. However, far more important than formatting and language issues is the need for the Concordat to have teeth. It is no accident that the Concordat is known and understood best by HR departments and funding bodies and worst known about and understood by researchers. For researchers, those parts of it that made a difference around training, for example, were embedded years ago now. Many of the people who were affected have long since left the sector. Those coming in have little memory of this and feel no practical impact of the Concordat on the things that matter to them, most notably their research career and their job security.

14. How can the revised Concordat best facilitate equality and diversity in the research environment and create a more diverse and inclusive research culture?

The use of fixed-term contracts helps reproduce and aggravate inequalities in higher education. Women are more likely to be on fixed-term contracts than men, are more likely to be carers and are more likely remain on fixed-term contracts and to fall progressively behind in pay, access to promotions if they take time out to have a family. Women on fixed-term contracts regularly report feeling that they cannot plan their lives or plan to have a family and many experience inequality in access to maternity rights as they move between contracts. This could be alleviated by greater attention to the need to engage in full equality auditing with trade unions. This should be a condition of HR Excellence Awards.

15. Do you agree with the recommendation to explicitly broaden the definition of 'researchers' to include all staff engaged in research?

UCU strongly agrees

16. Please explain your answer (you may wish to consider opportunities/challenges, consistency of definition, inclusivity, and specific target audiences).

UCU believes that the proposal to widen the definition of researchers to include all staff who are research active is a welcome adjustment to the reality on the ground. In reality,

research in higher education is produced by people on a variety of different contract forms and in different role profiles. There is considerable movement between pathways and there are different pathways according to discipline. The phenomenon is 'hidden' researchers is particularly common in the social sciences and arts and humanities subjects, particularly as fixed-term and casual teaching focused roles play a major part of what passes for the academic career structure in these subjects. The REF and TEF build in major incentives for employers to construct academic pathways that are in fact silos and to underpin these with changes to staff contractual status and role profiles which frequently bear little reality to what these academics actually do. This proposal also enjoys massive support among research active academics. Our survey, published in *The revised Concordat: what do research active staff say?* (UCU, December 2018) revealed that 89.3% of respondents either agreed or strongly agreed that the definition of researchers used in the Concordat should be expanded to include all staff engaged in research. This percentage rose to 93% when only 'research' staff results were analysed.

18. In principle, there should be increased support for researchers to develop their career and research identity

UCU strongly agrees

19. How should the Concordat support researchers to develop their career and research identity?

UCU strongly agrees with the proposals on training, strongly agree with the proposals to give specific time for independent research and development and for that time to amount to 20% of contracted time.

20. Please provide some context to your answers to Q18 and Q19. How can these be implemented? What are the barriers? What additional factors and alternative models should be considered?

Research active staff are massively in favour of the revised Concordat supporting researchers to develop their research identity. A staggering 93% of respondents to our survey agreed or strongly agreed that the revised Concordat should support researchers to develop their research identity with a mere 2% disagreeing (*The revised Concordat: what do research active staff say?* (UCU, December 2018)). There can be no doubt that this principle commands near universal support among research active staff.

The concrete proposals in the Concordat were also hugely supported. Uptake of training was seen to be important, with more than 70% either agreeing or strongly agreeing with the increased emphasis on this in the revised Concordat. However, there were some reservations about this. Many who left comments noted that training programmes were too often seen to be too generic in their disciplinary approach or too narrowly directed to single academic pathways (i.e. research pathway or teaching pathway). Training is important but it must prepare and assist people to be able to move between academic pathways and also it must prepare them to be able to move out of academic work and apply their skills in the public or private sectors.

Perhaps the most controversial proposal in the draft of the revised Concordat is the proposal that 20% of a researcher's time should be allowed for the development of independent research and skills. Some funding bodies and many employers have tended to see this as work that is of no immediate benefit and which should be done in the researcher's own time, in spite of the fact that in practice many universities make use of these outputs for REF submissions. Yet the proposal that there should be allocated time for independent research and development activity commanded support from **90%** of respondents, while the specific call for 20% of time to be available enjoyed the support of **84%** of respondents, with **only 6% disagreeing**.

These are clear messages that the proposals have huge support among research active staff. Comments left showed some concerns about how this would be implemented. For the most part these comments stressed the importance of this change being one that is endorsed and embedded by all HEIs and all funding bodies in order to avoid the creation of unintended and perverse competitive incentives. But it was widely felt that this proposal represented a necessary and vital shift that would redress some of the grotesque power imbalances and career obstacles faced by research active staff.

	Strongly agree		Agree		Undecided		Disagree		Strongly disagree	
	Count	Row %	Count	Row %	Count	Row %	Count	Row %	Count	Row %
Funders place increased emphasis and support on uptake of 10 days' training	1,474	42.7%	991	28.7%	660	19.1%	214	6.2%	116	3.4%
Employers place increased emphasis and support on uptake of 10 days' training	1,585	46.1%	980	28.5%	576	16.7%	192	5.6%	108	3.1%
Allocated time within grants for developing researcher independence	2,231	64.5%	889	25.7%	229	6.6%	61	1.8%	49	1.4%
20% of a researcher's time allowed for developing independent	2,150	62.0%	763	22.0%	347	10.0%	132	3.8%	73	2.1%

research and skills										
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21. The revised Concordat should address the use of fixed term contracts for researchers

UCU strongly agrees with this statement

22. Please provide some commentary to explain your answer to Q21. If the revised Concordat should address the use of fixed term contracts, how should it do this? What alternative models and existing good practice should be considered?

The prevalence of fixed-term contracts and the short-term nature of funding is the biggest issue facing researchers today. 10 years after the first Concordat was signed, just under 70% of research staff are still on fixed-term contracts with research intensive universities recording an average of around 75%. This is not just an issue for the careers of research staff but one for the reputation of the sector as a whole. 2015, UCU surveyed research staff asking them about the impact of short-term funding and contract structures on the creation of knowledge. Short-term was defined, for the purposes of the survey as 3 year or less. There were 1,600 responses in just over a month. More than 70% of respondents agreed that funding research through short-term grants was ineffective and prevented the accumulation of knowledge. 83% said that it geared research toward short-term results rather than longer-term impact. One third said that they believed it created a culture in which unethical research practice was likely.

UCU argued that the weakness of the 2008 Concordat in relation to the issue of fixed-term contracts is one major reason why there has been so little change in that time. This is why UCU strongly welcomes the proposal that the revised Concordat should actively promote solutions to the problems associated with fixed-term contracts. And our support for this recommendation is supported by research active staff. 91.5% of respondents agreed with this proposal, with an extraordinary 75% strongly agreeing.

The employer's obligation to engage with this issue should be strengthened by an explicit obligation to engage with UCU as the recognised union for research active academic staff. Where there has been progress at institutional level, it has invariably been the case that the union was involved and active in pushing for this and that a joint approach has been beneficial. With national employers' representatives UCEA totally unable or unwilling to do anything through the national collective bargaining machinery, the Concordat's reach down to employer level becomes more important in setting standards. UCU branches are tabling more and more claims for collective bargaining solutions to these issues at employer level and this will continue regardless, but if the Concordat is to fulfil the aspirations in the revised text, placing the obligation to engage with unions among the employer's obligations would seem logical.

The Concordat should take its cue from the judgment of the tribunal in Aberdeen vs Ball, which as one law firm confirmed at the time, basically undermined the case for viewing research staff any differently from other employees simply because of the existence of pots of money with an end point. However, moving staff onto open-ended contracts is only one arm of a solution. Research councils can play a far more active role in shaping

the employment environment of research active staff. In addition, employers can also do more to 'smooth' the effects of potential interruptions or fluctuations in funding through the establishment of strategic bridging funds. Bridging funds exist, at least in theory, in a few Russell Group universities, but almost invariably they are small in scale and administered on a very short term basis (sometimes providing as little as three months' funding) and are operated at a low level (i.e. department or school level). These do little to embed employment stability or its potential benefits and they are open to abuse and unfairness. The Concordat can play a role in encouraging employers to work with unions to design more strategic, more transparent bridging funds that can underpin greater stability and security for research active staff. These solutions enjoy the support of research staff. In response to our survey of 2015, between 75 and 80% of respondents supported the idea of research councils and employers providing more bridging funding to support employment security and stability in research production (*The Concordat to Support the Career Development of Researchers: Insecure employment and unfulfilled promise A response to the Expert Review Group* (UCU, November 2017)).

23. The revised Concordat should address the progression and promotion opportunities for researchers

UCU strongly agrees with this statement.

24. Please provide some commentary to explain your answer to Q21. If the revised Concordat should address progression and promotion, how should it do this? What alternative models and existing good practice should be considered?

UCU surveys of research staff at institution level consistently reveal that research staff are not gaining access to promotion. One recent survey at a research intensive university showed that 73% of researchers had never been promoted, while 52% reported never having had a discussion with their line manager about promotion. Research staff report that research bids are frequently constructed without any headroom for progression and promotion, contracts get renewed or extended at lower grades. Grants need to have this built into them and PIs encouraged to see this as an index of success. Action plans for monitoring progress against the Concordat should include statistics of how many promotion applications.

25. The revised Concordat should address the expectation of mobility for researchers

UCU agrees with this statement

26. Please give some commentary to explain your answer to Q25. How should it do this?

The higher education labour market, especially for researchers, has privileged a model in which purports to reward 'excellence' among research stars but which in practice produces a hugely wasteful and inefficient churn of research experience. This system effectively 'scraps' human capital and is inimical to genuine innovation in research. For example, postdoctoral fellowships are frequently constructed with an emphasis on their role in identifying future 'research leaders', expected to be on a fixed-term contract as part of their 'training' and expected to be geographically mobile. There are obvious inequalities that flow from this model as it penalises people whose lives do not or cannot conform to this model. In its enthusiasm to construct this model as rewarding 'excellence' however, the sector has lost sight of the productivity benefits that flow from

the establishment of staff within institutions over a longer period of time. Academic literature supports the idea that established oligopolistic institutions like universities create better environments for innovation when they provide stable employment. This allows for the accumulation of tacit knowledge and the establishment of path dependencies that enable continuous innovation. The excessive fixation on the geographical mobility of researchers might play a role in the international dissemination of knowledge, but it has done so by ignoring and undermining the role of universities within regional economies and societies. Universities at their best are pillars of civic strength and sources of growth and innovation within regional economies. Yet the hire and fire employment at the heart of university research employment militates against universities developing this role to the full. The sector's fixation with a low cost, flexible labour employment model, justified by a supposed focus on 'excellence' has in fact created an employment model riddled with inefficiency, waste and the continuous scrapping of human capital.

The Concordat can play a role in changing the course of employment and the entire research and innovation ecosystem by focusing and rewarding the creation of stable employment conditions and genuine career paths through the structuring of grants and the oversight of institutions as employers. 10 years on from the original Concordat, when so much that is fundamental to the employment of researchers has NOT changed, it would be a disgrace for the sector to miss this opportunity to create a document that can help drive real change.

27. What is the most effective way of ensuring all relevant audiences are aware of the Concordat?

As indicated above, the most effective way to ensure that the Concordat is widely known and understood is to ensure that it has teeth. More effective dissemination of something that makes no tangible difference will be a waste of effort. The Concordat's obligations must be condensed and disseminated, but they must also be monitored and failure to uphold these obligations should have consequences. But it is essential that the Concordat is widely known about and understood by research staff. As one fed back to us, 'It's the closest thing we have to a manifesto of our rights as researchers right now'.

29. What should happen to encourage and facilitate sharing good practice across the HE sector or learning from other sectors?

A more active revised Concordat, generating more reports on progress against obligations, would consequently generate more case studies that could be shared with the sector at large. For example, if the Concordat is tasked with promoting solutions to the problems associated with fixed-term contracts and has a more rigorous approach to HR excellence awards, positive case studies of institutions demonstrating that they take this obligation seriously should be more widespread.

30. How can continued sector ownership be best achieved? Who should be represented? What does true sector ownership look like?

While widening the definition of research active staff and extending the vision of the Concordat understandably brings other bodies into view, one weakness is the relative underrepresentation of research staff on the group. For example, university employers are represented collectively by UCEA, UUK and the Russell Group. Currently UCU has one

place and UKRSA one. UCU would suggest strengthening researcher representation by allocating two places to UCU and two to UKRSA with consideration given to one for NUS.

31. Individual institutions (as well as the representative bodies) should be invited to be signatories of the revised Concordat

Undecided

33. How should implementation of the Concordat principles be evaluated as a sector?

The move towards a more active Concordat would be supported by regular reporting against action plans mapped against Concordat obligations and submitted to the CSG for oversight.

36. How useful is the HR Excellence in Research Award in supporting your implementation of the Concordat principles?

Not at all useful

37. What approaches, models, or awards should be considered to support benchmarking and implementation?

HR Excellence Awards are not well regarded by research staff in the sector, not because they are inherently a bad idea but because they are not seen to relate to tangible outcomes on the ground. One way of improving their standing among staff would be to implement the proposals in the independent report which suggested bringing in a gold, silver and bronze ranking to the HR excellence awards and focus them more on outcomes than processes.

38. How important is it that researcher career data is collected at an

Organisational level – Very important

UK level – Very important

39. Please explain your answer (you may wish to describe what data you already collect, what would facilitate better collection and sharing of data, what the challenges are, existing models, and innovative approaches).

UCU fully supports the suggestion that more data needs to be gathered on research staff careers. This is essential if we are to gain a concrete understanding of what kind of training and support the sector needs to provide to those people who do not or cannot pursue an academic career. But it's also vital to ensure that effective data is being gathered around research staff within the academy. For example, data on the length of contracts or the use of successive contracts is notoriously difficult to obtain, which makes effective monitoring far more difficult. UCU conducted an FOI in 2015 to try to gain a clearer picture of this and a large number of universities pleaded exemption from their statutory obligations on the grounds that their HR systems did not allow completion within the timescales allowed by the legislation. This is simply unacceptable. The revised Concordat should require universities to demonstrate that they are collecting and will disclose this data as a condition of HR Excellence Awards.