

## **Special FE sector conference 13 April 2024: to debate FEC's 'levelling up the sector' strategy and decide next steps, including whether to move to an aggregate ballot**

### **Background: FEC's 'Levelling up the sector' strategy**

At its meeting on 2 February FEC passed the following motion:

#### **Winning binding national bargaining: Prepare for an aggregated ballot for 24/25**

FEC notes:

1. The AoC's willingness to enter into exploratory talks on implementing binding national bargaining.
2. The Respect campaign this year; eight colleges took strike action.
3. A minority of colleges implemented the recommendation of 6.5%.
4. The indicative ballot on national action: 87% of members voting yes, on a 51% turnout.
5. The FESC voted to prepare an aggregated ballot in 2024.

FEC believes:

- a. Establishing binding national sectoral bargaining is achievable and would be a significant step forward to level up pay and conditions
- b. To win binding bargaining will require national strike action
- c. We can win an aggregated ballot
- d. Strike action is most effective at the start of the academic year
- e. The special FESC 2023 voted to wait at least one year before moving to an aggregated ballot
- f. The Summer 2023 FESC voted to prepare for an aggregated ballot in 2024
- g. The case for a binding national agreement needs to be communicated as part of the campaign and ballot
- h. "A new deal" and "a fair deal" are overused slogans
- i. The money is there for a significant pay award for all staff. £275m extra is available to colleges for 24/25
- j. The NEU won an aggregated ballot and pay for all members
- k. We can learn from EIS, they linked their strikes to the elections, raising the profile of education. They won back national bargaining.
- l. A mass campaign can firm up Labour's support for FE.

FEC resolves:

- i. Submit an England claim to the AoC on pay and workload, with the focus on our demand for binding national bargaining.

- ii. Prepare an aggregated ballot in the summer to start after the FESC, to enable strike action in September.
- iii. The campaign should be called Levelling up the sector: leave no one behind.
- iv. Call separate national briefings and produce publicity for all members making the case for binding national sectoral bargaining, workload and pay.
- v. Launch an initiative aiming to recruit five GTVO volunteer contacts per branch for the duration of the ballot.
- vi. Produce regular forum and briefings to equip volunteers how to GTVO
- vii. Agree a target for every branch to map their workplace and recruit 15% more members
- viii. Produce a timeline for the campaign and ballot admin working back from a strike start in the second week of September
- ix. Hold regular forum open to all members to get involved in the campaign scheduled at times when staff can attend
- x. Publicity should include FAQs, stickers, leaflets, and a dedicated website space
- xi. Promote equal pay with school teachers
- xii. Highlight excessive CEO pay as part of the campaign
- xiii. Prepare a Parliamentary lobby as part of the campaign
- xiv. Send MPs a briefing pack asking them to pledge to support our demands.
- xv. The workload campaign will highlight and expand on these demands:
  - Agreed national policy on the delivery of guided learning hours
  - The resourcing of more administration staff
  - Nationally agreed class size recommendations for 16-18 and 19 +
  - A set of agreed workload and wellbeing protocols such as working from home agreements
  - A set of agreed boundaries for contacting staff by email or phone
- xvi. UCU will campaign for and highlight:
  - A 10% increase in pay. This is a first step to restore more than the 35% cut in real pay for FE staff over a decade.
  - A commitment to close gender and ethnic pay gaps
  - To reduce the use of precarious employment.

## **Background: The 'New deal for FE' strategy**

At its meeting on 2 February FEC rejected the following strategy set out in a report from the head of further education which is referred to in some motions submitted to this special FE sector conference.

### **A New Deal for FE**

#### **1 Introduction**

- 1.1 UCU is at a critical point in FE. The union at employer level continues to grow in organisational capacity, bargaining strength and confidence and is winning for members on pay and other terms and conditions. However, the rate of growth and depth of our capacity and density is unevenly distributed.
- 1.2 The Respect FE campaign, built on the union's experiences in recent years, is about laying the foundations for a New Deal for FE. It covers pay, workloads, and national bargaining. It represents a fundamental challenge to the status quo at college and sector level. It resonates with members, has traction with the core activist group but is actively resisted by the AoC and a wide range of college leaders as it is a direct threat to their power and control.
- 1.3 National bargaining (in England) does not function. It has failed to meet the aspirations and demands of members and needs fundamental change. The national FE bargaining framework and agreement (NJF) is specifically set up to result in recommendations not binding collective agreements.
- 1.4 Since FE incorporation in the early 1990's FE colleges and college groups have been autonomous legal entities covered by legislation and regulation with their own governance arrangements. It is at this level, not the national level, where the power lays.
- 1.5 The UK government, via the DfE has an arm's length relationship with the sector. The various funding streams have a range of conditionalities attached to them, often linked to government policy priorities, such as skills and employment initiatives.
- 1.6 The DfE has no role in setting terms and conditions or pay in FE. The DfE are not part of the NJF. The DfE position and by extension the position of the UK government is that pay and related matters are legally devolved to each FE corporation.
- 1.7 FE funding is complex and distributed via mechanisms covering 16-19, Adult and Community Education, ESOL, apprenticeships, skills, BTEC and T-Level. It is also a source of control for the UK government and other agencies with whom UCU does not negotiate.
- 1.8 Any fundamental change to the status quo within the sector and a potential new deal for FE in line with UCU aspirations must recognise and be able to strategically react to the existing structural, legal, and power realities.

- 1.9 The central premise of a New Deal for FE is that UCU is not yet ready to achieve fundamental change at sector level and any precipitate move, specifically an aggregate ballot on national bargaining in 2024, will most probably take the union and our strategic demands backwards rather than forward.
- 1.10 Instead of committing the union's resources on an aggregate ballot now, we should be actively focusing on continuing to build branch capacity and membership density and continue to build confidence by winning for members at branch level. The campaign needs to be built through all the unions' structures, so that the decisions of the FE Sector Conference and the FEC are anchored in what the union does not have a reasonable prospect of securing at this time. Members must be regularly engaged and consulted as must the branch reps.
- 1.11 The unions comms, campaigning and political lobbying work should be clear and consistent in articulating and explaining what the New Deal for FE is and use all means at our disposal to champion and repeat the core demands.
- 1.12 We should be bold and ambitious and shift resources to build the biggest unified campaign rather than move to an aggregate ballot that does not have the building blocks in place at this time.

## **2 Respect FE**

- 2.1 Reflecting on the achievements of Respect FE and how it fits with a New Deal for FE is instructive. As part of this year's Respect FE campaign over 100 branches in colleges and college groups were balloted. Just over 9000 ballot papers were issued and over 4000 returned.
- 2.2 The overall YES vote was 90%. The turnout was 46.75% on an aggregate basis. However, the ballot was run on a disaggregate basis. 32 branches in college and groups secured a mandate for action. By way of comparison to 2022, nearly three times more branches and members were involved in 2023.
- 2.3 Respect FE has three core demands:
- 2.4 Pay – to address the decline relative to inflation and for pay parity with teachers in schools in England.
- 2.5 Workloads – national agreements on the management of workloads in the sector.
- 2.6 Binding national agreements – fully funded and implemented pay awards that result from a new national bargaining framework.
- 2.7 Around 50 branches did not take part in the nationally coordinated Respect FE campaign. Most of these branches ran their own local campaigns and some ballots were aligned to the national timetable. These branches secured exemptions from the national campaign based on their local circumstances such as having a live dispute, their members wanting to focus on a specific matter of importance to them or their capacity to at branch level to run a campaign.

- 2.8 Branch autonomy is at the core of the Respect FE campaign and is critical to how the New Deal for FE will be built. Wherever you look in FE in England, the union's profile and organisational capacity is moving in the right direction, but there is still more work to be done.
- 2.9 By way of context, there are around 220 FE colleges in England. UCU is organised in most, but not all these colleges. Our membership is clustered and unevenly spread as is our reps' coverage. Where the union is present our organisational capability, density and membership varies considerably. Not all colleges are members of the Association of Colleges (AoC) in England.
- 2.10 The AoC is a loosely constructed membership organisation where the employers that belong to it ultimately have autonomy to do their own thing on matters such as pay. Fundamental and necessary change will not come from an unenforceable agreement with the AoC. Any agreement with the AoC would need to be sanctioned by its members, the local college leadership, who will not give up their control and power without a struggle.
- 2.11 Sector level bargaining has failed to deliver for UCU members in any meaningful way, and as colleges are independent legally constituted entities, it is at this level where the real power and money lay.
- 2.12 The Respect FE campaign has reinforced the need for a joined-up strategy designed to build pressure from the bottom up. We will not create the conditions for meaningful sector level change by either expecting the national employer representatives to change voluntarily or by moving too fast and failing to take a significant number of branches with us.
- 2.13 The Respect FE campaign delivered a high number of good deals; over 100 branches in dispute and balloting and an increase in pressure on all employers. When seen in the context of previous years this is a significant development. UCU now has more branches increasing in size and capacity, with a better understanding of the bargaining process, industrial leverage, and the politics of bargaining.
- 2.14 Employers felt the pressure of the national campaign. Most employers made offers on pay this year that were significantly different from what had been proposed in recent years. Most FE members when consulted on the offers were pleased with pay outcomes where they got 6.5% and above.
- 2.15 The new campaign should continue to build on the success of the Respect FE national campaign with its focus on the core demands on pay, workloads, and a new bargaining framework in FE.
- 2.16 This approach will ensure branches that have been involved in the nationally coordinated campaign over the last few years remain committed to the campaign's ultimate objectives while having scope to make member driven demands on their employers.
- 2.17 Branches are at the heart of the success of Respect FE and will be at the heart of the campaign for a Fair Deal for FE. By their local activities or as part of Respect

FE, branches have become better organised, have recruited more members, created their own campaigns based on the issues their members identified as important, more reps have been trained and gained experience of developing claims and negotiating with employers. The union's local campaigning strategies have significantly improved.

- 2.18 Now is the time to redouble our efforts and strategically align the various strands on a New Deal for FE.
- 2.19 UCU now has more branches in a stronger bargaining and organisational position since the creation of UCU in 2006, however our branch capacity is unevenly spread and the level of our power and threat to influence change beyond the college level is demonstrated when contrasting the wins achieved by members at college level and the outcomes of national 'talks' with the AoC.

### **3 FEC and Sector conference decisions**

- 3.1 It's worthwhile pausing and reflecting on some of the lessons learned from FEC decisions and the Special FE sector conference (SFESC) last year. UCU would have lost an aggregate ballot in the autumn if the Special FESC in April had resolved one. Our stronger branches were not able to carry the less well organised over the line on an aggregate basis.
- 3.2 The patterns of voting at the Special FESC and the June FESC show large numbers of branches not in favour of an aggregate ballot at this time.
- 3.3 The auto-inclusion of branches in the nationally coordinated Respect FE ballot, based on their e-ballot consultation results, meant that securing a 35% - 50% turnout automatically included the branch in the statutory ballot.
- 3.4 Based on these criteria, over 100 branches were included in the statutory ballot, however 32 secured the 50% threshold. 32 branches with a mandate will not shift the employers at a national level. The pressure and leverage will however be felt at college level. Including branches that currently have low levels of membership and branch organisation or density will bring down the overall turnout in any aggregate ballot.
- 3.5 Considering the issue of turnout separately to the issue of density and branch organisational capacity is problematic. Including as many branches as possible in a statutory ballot without due regard for their capacity to deliver the ballot can and does result in showing the employer how thin our capacity is at workplace level and ultimately impacts on the potential to win a statutory ballot. It also has the real potential for destabilising the development of the branch.
- 3.6 FEC decisions should reflect the widest possible member and branch input to ensure they have the maximum level of support and the potential to deliver. Assumptions and disconnected decision making are not a firm basis for strategic success.

## **4 What is a New Deal for FE?**

- 4.1 The New Deal for FE has a set of core principles and strategic objectives that works with rather than seeks to impose on branches and their achievements, whether that's a specific branch campaign or the nationally coordinated Respect FE.
- 4.2 The New Deal is built on several interconnected building blocks that bring together the successes of local campaigns to improve pay, manageable workloads and other terms and conditions as well as the core demands in the Respect FE campaign; pay, workloads, professional respect and binding national bargaining.
- 4.3 It's a strategy that addresses the industrial agenda in FE, as well as the need to organise our branches, recruit and retain members, increase density, train reps, promote the professional agenda, increase political lobbying and is tied together with a supporting communications plan and proactive press and media work. The campaign strategy is to build on what we have already won and articulate what we want to achieve.
- 4.4 We need to recognise the significant difference between what's happening with the numerous wins at branch level and the failure of national level bargaining; they are very different things. Meaningful negotiations take place at college and branch level. The national employer body (AoC) has no agency unless a critical mass of employers gives it to them. We are not able to apply the necessary leverage currently because we are not yet able to deliver a critical mass of organised and active branches.
- 4.5 UCU reps know from their own negotiating and campaign experiences that employers do not make concessions unless they have no other choice. We are far from that reality at sector level.
- 4.6 To make the changes at the national level we need to build branches and density, recruit, organise, campaign, lobby and win on a bigger scale than we are currently operating at. We need a sober assessment of the industrial and political landscape we are operating in at the national level.
- 4.7 Reflecting on the Respect FE ballot last year, which had over 100 branches involved, about a third of the branches beat the anti-union threshold. This is a great result on several levels, however it's also an indication of the work we need to do before we can be confident of winning a national aggregate ballot involving significantly more UCU branches in a sector with over 200 colleges.
- 4.8 The New Deal for FE has members at its heart. It is driven by democracy and high and wide levels of member participation using all the means available within the unions structures as well as different forms of engagement and fora to take us forward at the pace and timing that maximises the likelihood of success and meaningful change at employer and sector level.
- 4.9 What is clear currently is that there is not a critical mass of branch support for moving to an aggregate ballot.

## **5 Industrial Strategy**

- 5.1 The New Deal for FE industrial strategy seeks to break with the piecemeal and failed model of national bargaining in FE. UCU successes can be demonstrated at college and college group level where branches are securing decent pay rises and improvements to terms and conditions. By contrast, national pay talks do not result in meaningful and implementable outcomes, they are recommendations only. Further, the outcomes have no reference point to assess the relative value of the pay award. FE pay has fallen over 35% in the last 10 years. The gap between the salary of school and college teachers has grown significantly since 2010.
- 5.2 Unlike schools or sixth form, there are no national agreements to standardise the management of workload. Increasingly unmanageable and unsafe workloads are a significant issue in FE. Workload agreements are made with employers at college and group level. As with pay, the AoC have no capacity to make agreements on workload. The employers will not voluntarily sanction this transfer of power. A good starting point for an alternative model of national bargaining would be what happens in sixth form and their Red Book of terms and conditions.

## **6 Organising and developing branches**

- 6.1 The essential building block for a New Deal in FE is the union's capacity at branch level. We need a strategy with both short term and long term aims if we are to successfully deliver a New Deal in FE. Through the excellent work at branch level, we are currently winning more deals for members and improving pay, workload, and other local conditions.
- 6.2 In recent years there have seen more branches developing and submitting proactive claims on issues that are deeply felt by their members. We've seen more negotiations taking place, more member led campaigns, and more disputes and ballots won.
- 6.3 This shift has not happened by chance, and it does not happen in a vacuum.
- 6.4 Employers have the power and resources in the sector, not the AoC. UCU strategically shifted to support and develop branches, initially linked to the Part 2 or Pay Plus demands then evolving that into the nationally coordinated Respect FE campaign. These significant changes give branches the autonomy and space to develop from the bottom up rather than having a one size fits all approach imposed from the centre.
- 6.5 We need to continue this journey and build local capacity and density and win for members. We must pick our fights on the strongest possible ground, go at the pace members can go at and have a realistic prospect of success when we move to an aggregate ballot.
- 6.6 The existing reps training and the new reps' leadership programme are part of this ongoing strategy. We need to continue to build organising for power approaches within as many branches as possible over the next two years and



focus on building capacity and density with members at the heart of what we do. The next steps will be to involve as many reps as possible in the UCU training programme so they gain the techniques and skills to build their branches, run their own campaigns and win for members.

- 6.7 Pay and workload are the issues reps' regularly identify as the biggest issues for their members. National bargaining is important but not a priority. Fighting on too many fronts too early or focusing on an issue that isn't the priority for members risks failure rather than success.
- 6.8 Given the additional funding in the sector last year and this, we need to consider how the short-term prospect of putting more money in members' pockets trades off against the longer-term and more complex issue of a new national bargaining framework for the sector. We know the national employer body is resisting even talking about national bargaining. We need to build towards the long-term aim of sector-wide leverage and binding national bargaining with funding and reform of the sector to match.
- 6.9 As part of the branch building strategy, we can re-launch the workload campaign in FE to complement and give additional leverage. The guidance is there, the briefings will start again, and the issues have resonance and support from members.
- 6.10 Branch autonomy and local tactical flexibility have been the key to the local campaign and negotiating wins in recent times. The alignment of local demands linked to the national aims has proven to be successful. This year we have had more negotiating wins and more agreements in FE.

## **7 Political Campaigning**

- 7.1 UCU has been actively campaigning for additional funding in FE for many years. Whether as part of working with the employers on 'Love our colleges' a few years ago, or specific and focused lobbying on the policy, skills and adult education agenda, the union has a proud record of championing the vital work FE does in our communities.
- 7.2 UCU members in FE have a unique link with their learners and their post school pathways and aspirations. Our members have fantastic stories of achievements to tell, and UCU actively promotes that as part of our lobbying work. As part of the New Deal for FE we can and will amplify this.
- 7.3 FE has belatedly received additional funding which is welcome; £470 million for 2022/23 and 2024/ 2025. This comes against a backdrop of systemic underfunding by the UK government over the last decade and more.
- 7.4 The Secretary of State made specific reference to their expectation that the additional funding will be used to address the recruitment and retention issues in FE. By another other measure this is code for pay, and specifically the 6.5% increase for teachers in England. For the first time in a long time, the UK government has recognised a link between FE pay and pay in schools, and the linkage of FE pay to the retention crisis.

- 7.5 Part of the political campaign work will be to embed that link in the minds of parliamentarians, the DfE and employers. Focused work will be done with the Labour Party. The New Deal for FE is based on a new binding national bargaining framework for the sector and a new funding model like schools and sixth form. This is a significant challenge to the existing status quo but for too long FE has been ignored, and a New Deal for FE is the solution.
- 7.6 We will utilise the reclassification of FE as part of the campaign narrative. FE isn't yet fully reclassified but it's a step in the right direction. There are still big legal and regulatory obstacles in place, but the campaign will highlight the ambiguities and the funding and accountability issues raised by the lack of national level binding agreement.
- 7.7 A New Deal for FE must have fully funded and locally implemented national bargaining outcomes. The case we make to government and beyond will articulate the logic and necessity of this. Schools and sixth forms have national frameworks that provide for certainty and accountability and cover all employers. We want and need the same for FE.
- 7.8 The skills agendas for all the main political parties will soon be known. UCU will lobby hard to press the case for a new deal for FE to all parties. The link to green skills and a Just Transition and the vital role UCU members play in that will be part of the campaign.

## **8 Campaigning and communications**

- 8.1 The communications strategy in support of a New Deal for FE has several strands that link the various building blocks and present a cohesive strategic pathway to a different kind of FE.
- 8.2 With regards to the industrial agenda, the comms should focus on the gap in pay between schools, sixth form and FE teachers' pay, the relative decline in pay linked to both inflation and the recommendations of the AoC compared with the outcomes of the teachers' pay review boards and the sixth form settlements. Based on all these headline measures, FE pay has fallen further behind and so the first step is to make the case for pegging salaries to schoolteachers, closing the pay gap, and having awards fully funded by the DfE and underpinned by a binding national agreement. The actions of the AoC demonstrate they have no serious interest in engaging on binding national bargaining at this time.
- 8.3 As part of the comms positioning on pay, there should be an articulation of the impact that pay relativities are having on recruitment and retention and how this presents itself as part of the pervasive and negative workload problems in FE. UCU research, AoC data and IFS reports are consistent in this regard. The majority of staff are experiencing high to unmanageable levels of workload most of the time. The comms will then make the case for national agreements covering preparation, guided learning hours, delivery, admin and student care to manageable FE workloads as is the case in schools and sixth form.

- 8.4 Underpinning a new FE pay framework and sector level workload agreement is a new national bargaining agreement for FE. The comms will highlight the fact that FE national bargaining is a fiction and is fundamentally flawed. The solution is a New Deal for FE with binding national negotiations at its centre. Pay must be fully funded and employers must be required to implement.
- 8.5 Local and regional political power, such as the metro mayors and AEB will also form part of the comms strategic focus. Both make key decisions impacting on members working lives and both provide the means to work towards a New Deal for FE.
- 8.6 Beyond the industrial and political context, the comms strategy will champion the transformative role of FE in our communities and life changing impact it has on learners of all abilities. UCU members have fantastic stories to tell, and these will resonate far and wide. FE changes lives in many ways and comms that capture this and link to the need for a New Deal in FE will underpin and make the strategy directly relevant. Wider media engagement at national and local levels will support this and other aspects of the comms strategy.
- 8.7 The comms strategy will develop and promote a New Deal for FE in local communities as well as the role of Adult and Community education has a key role to play in the narrative. ACE funding has been proportionally cut further and deeper than FE and the impact on communities is keenly felt. The ACE manifesto and the political lobbying linked to the manifesto will be reinforced in the comms.
- 8.8 The comms strategy will be linked to the general election in 2024 and will seek to influence the party's manifestos and commitments on FE. Post 16 education, ACE, skills, just transition and employment will be keenly fought over political terrain. A Fair Deal for FE is a coherent and clear strategy. Social media will have an important role in promoting the strategy. We must make a positive and compelling case the change needs to deliver FE in the coming years. Organising FE lobbies in parliament in the run up to the general election will be part of the strategy.

## **9 Professional agenda**

- 9.1 Since the incorporation of FE in the early 1990's, we have seen the diminishing of the status of post 16 FE education when compared to school and sixth form and higher education sector. Legislation has rarely had FE as the priority subject matter. The absence of binding national agreements, the numerous FE funding streams, and the creation of FE corporations has resulted in an uneven and inconsistent FE landscape. The result of which has led to a downgrading of the status and importance of the vital roles carried out by UCU members.
- 9.2 A New Deal for FE will promote the need for a reappraisal of the status of FE professionals and the need to reestablish a parity of esteem with teachers in schools and sixth form. We will use UCU policy analysis to support and promote this aim, with the link to pay, workload, recruitment, and retention.

- 9.3 In support of promoting the professional agenda, UCU's voice will be heard on issues such as campaigning for the replacement of Ofsted inspections and the development of an alternative review process that works with rather than undermines the profession.
- 9.4 We will continue to take a leading role in the green skills and moving to a Just Transition in FE by promoting the significant role UCU members have in delivering the related skills agenda.
- 9.5 A key part of reinforcing the professional agenda will via be the use UCU submissions to government consultations on matters such as ITT and professional standards in teaching. Establishing FE teaching parity alongside that in schools will be an important feature of the nature of UCU responses.
- 9.6 The UCU research team has developed a new bargaining and organising tool, the data from which can be used to highlight the funding, pay and terms and conditions differences relative to schools and sixth form. The data can also inform the comms that are developed to support the unions parity of esteem and professional respect agenda. UCU research can also shape the demands the union makes regarding parity terms and conditions.
- 9.7 More broadly, the professional agenda can promote the need for specific time for members to undertake meaningful CPD so they can keep on top of their subject. Associated with this professional space will be the input members can and should have in curriculum development, autonomy and decision making. The use of member surveys specifically designed to capture these, and other issues should be utilised.
- 9.8 UCU should reach out to and develop links with external bodies such as manufacturers, apprenticeships, and new tech bodies where we can develop and promote joint positions. It's important that the union has a profile and voice in the skills and employment context.

## **10 Conclusion**

- 10.1 The union is not currently able to move to an aggregate ballot with any realistic prospect of success. Doing so too soon will undermine rather than improve our chances of securing fundamental change.
- 10.2 We need to build and articulate a new strategy based around a New Deal for FE.