



UCUBAN/HE [91] [11 September 2024]

University and College Union

Higher Education Branch Action Note

To **All Higher Education Branch Secretaries, Presidents and Chairs**

Topic **National Negotiators report**

ACTION: To consider the information provided in this report to inform branch discussions and responses to the questions sent in advance of the BDM on Tuesday 24th September.

Summary This report has been produced by the national negotiators and is intended to provide an update on the ongoing New JNCHES negotiations with UCEA in order to inform branch discussions prior to the BDM on Tuesday 2nd July.

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1. Introduction

- 1.1 This report provides an update on the outcome of the New JNCHES negotiating round for 2024-25 pay year, in order to inform decisions for the Branch Delegate Meeting (BDM) scheduled to take place on 24th September. The report provides a summary of the dispute resolution meetings held in August following the last BDM on 2nd July, the final offer received from UCEA, and the views of the UCU negotiating team on various elements of the offer.

2. Background

- 2.1 The Heads of Claim submitted by the five HE unions are available [here](#). In addition, these two asks also formed part of the final claim:

Call upon on universities to reimburse all visa application and application-adjacent fees for migrant staff and their dependents on all visa categories.

Ensure that any review of the pay spine is appropriate for the new government-mandated pay thresholds for skilled worker visas. The minimum salary points for jobs eligible for sponsorship should be above the new thresholds.

- 2.2 Collectively, these Heads of Claim set out the joint unions' key asks for the 2024-25 financial year. UCU and the other HE unions (Unite, Unison, EIS and GMB) have been engaged in negotiations with UCEA over these asks. The last of these standard New JNCHES negotiation meetings took place on 26th June.
- 2.3 At the most recent BDM held on 2nd July 2024, branches were asked for their position if the offer set out at the time were to become UCEA's 'final' offer. 51% voted to reject the offer, 25% voted to abstain, and 24% voted to accept the offer. A more detailed breakdown with the questions is available [here](#) – these responses vary once the elements of the offer are broken up.
- 2.4 A strong majority voted to support the negotiators in continuing further talks, including through dispute resolution meetings.
- 2.5 It was also clear that many branches had not had sufficient notice to discuss the offer with their branch due to the tight timescales between receiving the

- necessary report and questions and the BDM, and we committed to bringing any final offer back to branches for a steer prior to the 27th September HEC.
- 2.6 We also understand that the level of detail set out in the pay-related items was significant and have arranged a Q&A with the negotiators for branches to ask questions in advance of the BDM in order to provide further clarity on any elements that are unclear. This will take place on 17th September.
- 2.7 On 5th July, HEC voted in favour of entering dispute resolution meetings over the offer presented by UCEA. HEC also voted to reject the 2.5% pay offer, and to build a campaign for industrial action to win on the Four Fights.
- 2.8 Two dispute resolution meetings were held on 19th and 22nd August. Although UCU and Unison were the two unions who had initially triggered these, all five HE unions (UCU, Unison, EIS, Unite and the GMB) participated in these meetings.

3. Dispute resolution meetings

- 3.1 The two dispute resolution meetings held on 19th and 22nd August focused on improving various elements of the offer, including pay, and the asks relating to Scottish New JNCHES, Just Transition to net zero, the migrant salary threshold, national agreements including the post-92 contract, and specific aspects of the terms of reference for the negotiation groups.
- 3.2 Whilst there was some movement on pay-related items, the final pay offer remained the same and is as follows (see Appendix):
- *2.5% uplift to the total pay bill, to be distributed as set out in Appendix XXXX.*
 - *This will be paid in two instalments, with £900 paid this year (backdated to August 2024) and the remainder paid in March 2025. The second instalment in March will not be backdated.*
- 3.3 With regards to the Terms of Reference, UCEA agreed to UCU's ask to increase the seats available for the trade unions from 11 to 13. Those additional seats will be granted to UCU by default, as agreed within the union-side, meaning UCU will be able to take up to five people to each negotiating group meeting. This is similar to our current entitlement for

New JNCHES meetings where meetings usually involve one official and four elected negotiators.

- 3.4 UCEA also agreed to revise the following wording in the Equality Pay Gaps ToRs due to UCU's concerns around agreeing to any wording that suggests we believe outsourcing is solely a decision for employers:

Explore the impact on pay gaps of direct and indirect employment strategies, while recognising that these are arrangements for each HEI.

To instead state:

Explore the impact on pay gaps of direct and indirect employment strategies¹

- 3.5 On the Just Transition for the sector, UCEA provided the following updated wording:

As we indicated, there is clear recognition among employers of the sentiment expressed by the Joint Unions in support of this aspect of the claim. HEIs have sustainable investment strategies and commitments in place and continue to take significant steps to reduce their carbon emissions. Climate change and sustainability are not New JNCHES matters and fall outside of UCEA's remit. There are a number of sector bodies with relevant expertise working on this important issue and it would not be appropriate for New JNCHES to try and do so too. However, UCEA is willing to attend a joint meeting with the trade unions to consider proposals for a Just Transition Commission to be developed for presentation to the UK Government. UCEA is also willing to use its good offices to encourage attendance by other relevant sector agencies. An initial priority will be to establish the relevant sector agencies with a role in this area, understanding that their attendance will depend on the decision-making processes of these other sector agencies.

- 3.6 Our ask included establishing a working group with the unions to agree a proposal to present to the government for a Just Transition Commission

¹ Subject to this data being available (footnote added by UCEA).

for Higher Education, and to work with the unions to present this to the government, with a public announcement by November 2024. Whilst the updated wording is stronger, it does not fully meet our ask. UCU negotiators raised concerns that a single meeting would not be a suitable alternative to a working group.

3.7 UCEA have stated that they would be open to additional meetings if required, should these talks go ahead.

3.8 On the national agreements, UCEA's revised wording was as follows:

UCEA, like the trade unions recognises the importance of the Post-92 contract and HE 2000 framework and recognises that the passing of time does not, of itself, render these null or void.

UCEA and the trade unions recognise that the agreements were not adopted by all institutions uniformly at the outset, and in many HEIs, arrangements were negotiated locally at the time, as permitted.

Further, that variance in HEIs, including at the time of the implementation of the Framework agreement, has taken place over time. This reflects the changing circumstances in HE which, as in any sector, have not remained static over the last three decades.

UCEA and the trade unions recognise employers have historically made changes to these agreements, as permitted within the agreements, and for employers and trade unions to seek to make future changes to meet their circumstances.

UCEA reiterates the need to consult and negotiate with staff and trade unions, through local machinery, when making changes to employment terms and conditions.

3.9 UCEA's wording does not incorporate our asks and we have made it clear that it is therefore not a 'joint position' because the revised wording does not go far enough to protect national agreements.

4. The position of the other unions

4.1 Unison undertook a consultative ballot with their membership regarding the pay offer, with a recommendation to reject. The outcome of this

consultative ballot was shared with us and with Unison branches this week. A majority of those who voted voted to reject the offer.

- 4.2 EIS also undertook a consultative ballot with their membership over the offer, which closed on 3rd September. A majority of those who voted voted to reject the offer.
- 4.3 Unite launched their consultative ballot on 10 September, with their national committee taking a neutral position on the offer. This will close on 3rd October.
- 4.4 The GMB will also be launching a consultative ballot to open next week.

5. Negotiators' commentary

- 5.1 **The pay round has concluded.** We have had two further dispute resolution meetings since the last BDM. The employers have said that they will not improve their pay offer.
- 5.2 **Value of offer.** The current 2.5% offer (in stages) is another pay cut. It is around 1% below RPI (latest, July 2024: 3.6%), and is less than half the value of the school teachers' settlement (5.5%). This pay cut compounds the accumulated loss members have suffered as a result of high inflation over the previous 2 years, which amounts to a permanent devaluation of pay scale points of 11% against RPI. A higher offer at the bottom end of the pay scale, while welcome, does not improve the position for the majority of our members.
- 5.3 **Staging.** The pay offer will not be paid at 2.5% from August 2024: instead, members will be paid an increase of £75 (£900/12) per month until February 2025, with 2.5% paid from March. Negotiators are very concerned about the staging of the offer and the damaging precedent that this sets.

The [NewJNCHES national agreement](#) allows individual employers to defer payment, without backdating, for up to 11 months citing individual financial hardship. Where this is the case, employers must

demonstrate their inability to pay by opening up their books to evidence the need to defer. The current decision to 'stage' the offer is distinct from this process and asks every employer represented by UCEA to defer part of the offer until March 2025.

- 5.4 **Affordability.** We believe the employers can afford to pay more. We know that some employers budgeted for 3%. But UCEA say they have reached their upper limit, and state that some employers are in real financial difficulty. Were we to take action, part of the solution would likely need to be a demand for a 'fully funded pay rise' (as the NEU did in schools), lobbying government to make more money available.
- 5.5 **The 3 Pay-Related Fights.** Negotiators have agreed a series of frameworks (Terms of Reference, 'ToRs') for UK-level single-table negotiations over casualisation ('contract types'), workload and pay inequality. The negotiators believe these can provide space for progress to be made. However, unless the employers or government put more money on the table, there is a danger that these groups will have no budget to spend on improving conditions, and may 'cut their cloth' accordingly. This may play out differently within the different negotiating groups. On casualisation, for example, important local agreements in the past few years show what can be achieved within the existing funding envelope. The question of affordability is likely to loom largest over a fourth negotiation group, on pay spine review.
- 5.6 As reported elsewhere (see section 3) we have also made some progress on 'non JNCHES' matters in the dispute resolution meetings. These include seeking cooperation with the employers over maintenance of previous national agreements, a Just Transition and jointly writing to the Government over the Migrant Salary Threshold imposed by the last Government in February 2024.
- 5.7 UCEA, in their final offer letter, continue to imply that further negotiations on the pay-related elements are conditional on agreement on the pay element. We, however, are ready to negotiate at any time.

- 5.8 The pay offer is the best that can be achieved by negotiation alone. If we wish to increase the amount available for pay for 2024-25 we may need to take industrial action and lobby government.
- 5.9 Movement on the pay-related elements is contingent on the outcome of the separate negotiations on workload, pay equality, contract types and the pay spine. However, as noted above, it is difficult to imagine significant movement without more money on the table and additional funding.
- 5.10 The Higher Education Committee (HEC) will need to decide what to do about the offer. The Branch Delegate Meeting is an opportunity for branch representatives to feed back their members' views to inform HEC's discussion and decision-making at their meeting on 27 September.
- 5.11 At the most recent BDM, branches voted against accepting the pay offer at that time. UCEA has not responded to calls to increase this figure.
- 5.12 We have achieved some improved wording on the framework ('Terms of Reference') for negotiations over the 3 pay-related Fights (see above). If members vote to accept these terms, your negotiators will work hard and push for those negotiations to commence promptly.
- 5.13 UCU will lobby the Government to improve the funding of the sector, according to UCU policy. Decisions on whether and how we conduct this dispute will inevitably have implications for how this lobbying can be conducted.
- 5.14 Some external factors have changed:
- a. Official inflation measures have begun to rise again. Other cost of living indicators such as household goods and fuel pricing have risen faster than headline inflation.
 - b. The new Labour administration in Downing Street may provide opportunity for more receptive lobbying of the Government (whilst noting Government statements regarding budget shortfalls). This can be seen in the settlement of a number of disputes including with primary and secondary school teachers.

- c. Threats of widespread redundancies in our sector remain: the issue for UCU is whether we take collective UK-wide action to defend the sector, and seek to increase the funds available for pay and jobs.

5.16 The most recent Higher Education Special Sector Conference (17 May 2024) voted to 'develop a strategy which includes returning to UK-wide action in academic year 2024-25.' The BDM represents our first chance to begin discussion of what such a strategy will look like.

UCU National Negotiators 2024-25