

Edge Hill University Framework Report

Final negotiations at Edge Hill University on 17th November resulted in an agreement which that has now been ratified and will shortly be put to members for acceptance in a consultative ballot.

Edge Hill University imposed a detrimental version of the framework agreement on 25th August 2006. Since that date UCU has been in dispute with the University.

The effect of unilaterally imposing a version of the framework agreement was to dismiss staff from existing contracts of employment and re-engagement them on new inferior terms of employment. The imposition of the framework effected a dismissal from contract without consultation. This breached S188 of TULR(C)A 1992 as no consultation over the dismissals took place, therefore UCU initiated collective proceedings under S189 of the same act seeking a protective award of up to 90 days pay for each employee. 82 UCU members also lodged individual claims for unfair dismissal against the University claiming a basic award which amounts to a payment similar to statutory redundancy. Although members are still employed by the University they were dismissed and re-engaged giving rise to claims that the nature of the dismissals was unfair in each case. Members also claimed under S145b of TULR(C)A 1992 as the staff ballot held to legitimise implementation was an unlawful inducement designed to entice trade union members to leave their negotiated conditions of employment in favour of non negotiated conditions of employment.

The imposed pay structure contained many flaws including the following:

- 1** The grading structure was extremely restrictive and worse than the status quo position - lecturers were allocated grade 8 points 31-35, senior lecturers were allocated to grade 9 points 36-40 with some allocated to grade 10 points 41-45. Edge Hill does not currently employ principal lecturers but in theory they would have been allocated to grade 11 points 46-49.
- 2** Pay progression between grades would only have been on the basis of a full HERA evaluation with no linked grades or progression opportunities between the lecturing grade and senior lecturer grade.
- 3** Staff were allocated to grades on the basis of a raw HERA score without reference to any form of role profile.

- 4 Staff entitled under contract to receive annual increments in September 2006 would not receive those payments.
- 5 Whilst there were no academic red circles many academic staff (90 plus) were initially placed 'in development' which resulted in pressure to increase their level of responsibility to improve their HERA score to enable them to maintain the current grading.
- 6 800 Hourly paid lecturers had not been considered or assimilated, the employer believed they would be assimilated to grade 7 points 27-31 and resisted attempts to place them in the same grade as lecturers.

The resolution to the dispute takes the form of an agreement on pay progression between grades. UCU secured a statement from the employer setting out the normal expectation of progression for academic staff from grade 8 to the top of grade 10 at pay point 45. This provides 2 additional incremental points for senior lecturers and establishes their right to progress to the top of the grade on the basis that they have the capacity to undertake the work in the relevant role profile and also that they agree to do so. The University is now obliged to provide the relevant range of duties as set out in the role profiles for all staff. A development review is used as the mechanism to trigger progression. This review will take place at least one year before the academic reaches the top of their existing grade. In the event that the academic does not show the necessary capacity a development plan will be put in place which according to the agreement enable progression to take place as soon as possible "normally within one year".

In order to render such arrangements workable, a set of role profiles has been negotiated and agreed. These role profiles at levels 8 and 9 closely match the Ac2 level of demand. The profile for grade 10 points 41-45 contains a non obligatory reference to 'programme leadership' other wise it is the Ac3 profile without much amendment.

The issue of HPL (Associate Tutors) is specifically addressed within the new agreement. All AS staff who carryout FST on HE and Foundation programmes will as a minimum be assimilated to point 31 in grade 8 alongside lecturers. ATs not carrying out teaching or those teaching on FE courses (where they receive the FE rate) will be assimilated to grade 7 with the right to appeal. The academic role profiles will be used to determine if grading should be at a higher level.

The rate of pay will be based on the JNCHES guidance and the 2.5 multiplier will be used. In 2007/8 all ATs carrying out more than 220 hours of FST in the preceding 2 years (05/06 and 06/07) will be offered a fractional contract within (as a minimum) grade 8 – lecturing grade. This provision offers the prospect of conversion (with the consequential minimum 40% pay rise) to a large number of the 800 contract holders within the institution.

The University agreed to return the increments due to staff in 2006 and new green circling provisions ensure that within 2 years all green circled staff will reach their new grade point although this is still less generous than the green circling provisions which only phase payment when costs exceed 10% of salary.

The academic staff placed in 'development' (red circled) will now be able to take advantage of two new factors – firstly the role profiles set out the exact requirements of their role facilitating appeals against clear criteria and also secondly role development will take place within a more favourable context where progression to the next grade is expected. Therefore all instances of red circling should now be easily resolved.

Finally the agreement contains provision for a 'sore thumbing' exercise to take place to ascertain if the changes to the agreement will result in changes to grading outcomes. This is highly likely as HERA is no longer the sole mechanism for determining grading outcomes and use of the profiles will result in many staff being promoted from grade 9 to grade 10 and from 10 to 11 etc. A final review of the agreement will take place in 12 months time.

There are still over 80 unfair dismissal claims lodged with the tribunal. The University accepts that such claims are likely to go ahead despite the fact we have resolved this dispute.

The successful outcome to this dispute will deter other employers from imposing new pay structures.