

University and College Union

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To HE Branch/LA Secretaries, Regional Secretaries, HEC Members

Topic 2009 Pay Claim

Action To note General Secretary's letter to members and to approach Vice Chancellors re national bargaining

Summary This circular accompanies the particulars of the 2009 pay claim and Sally Hunt's letter to Vice Chancellors.

Contact Malcolm Keight, National Head of Higher Education
mkeight@ucu.org.uk , 020 7670 9700

Dear Colleagues,

Members have just received a letter from the General Secretary explaining the latest position in respect of pay bargaining and our latest attempts to resolve the outstanding problem of the JNCHES negotiating body.

Enclosed with this circular are a copy of the pay claim which has now been submitted to the UCEA and a copy of the letter to Vice-Chancellors.

You will see from Sally Hunt's letter to Vice Chancellors that we are looking for their commitment to support national bargaining for higher education pay. Could you please support the General Secretary's request to your Vice Chancellor by approaching her/him immediately in order to obtain a response? We are aware of a small number of institutions that have approached their LA/Branches and stated that they are committed to national bargaining for pay. This has been done within the context of looking for branches to put pressure on UCU nationally to sign up to the current 'new JNCHES' arrangements. For the reasons explained in Sally's letter, those arrangements are still unacceptable to UCU and without UCU as part of the national pay bargaining machinery, the new JNCHES lacks any credibility.

As you can see from the correspondence, we are trying to resolve the JNCHES issue and progress the 2009 pay claim and, the more evidence we have that employing institutions are signed up to national bargaining, the more this will help in progressing that work.

Could you please let either your regional official or Stephen Court (scourt@ucu.org.uk) know of your position taken by your employer.

Yours sincerely,

Malcolm Keight,

National Head of Higher Education

9 December 2008

Dear Vice Chancellor

Subject: 2009 pay claim

I am writing to you about the latest situation regarding negotiations for HE pay and to provide for your information a copy of UCU's national higher education pay claim for 2009. I also enclose for your information a copy of my letter to the chair of the UCEA that has accompanied our claim.

UCU is committed to national bargaining for the pay of higher education staff, this is fundamental principle for us. In the current economic climate we believe that adherence to such a principle is essential if the UK is to maintain a higher education provision which can both retain its reputation as one of the best in the world and also invest in the workforce which the country will require to emerge from the current recession with an economy fit for success in global terms.

Our pay claim also seeks to ensure that UK higher education can attract the best quality staff to maintain our international reputation and can contribute fully to the UK's economic and social goals.

Some press comment has alluded to employers hints of a 0% pay offer. This is clearly unacceptable and unhelpful at a time when the sectors staff need to see support and national leadership. More informed views acknowledge that the improvements in higher education pay levels in recent years have yet to make up for the years of unfunded expansion when staff bore much of the cost of that expansion through below average pay increases and continuously rising workloads. These views are borne out by the recently published Independent Review of Finance and Pay in Higher Education undertaken as part of the 2006 pay settlement.

Stated simply our claim seeks to retain the catching up that has occurred in recent years and to secure more effective commitment to the undisputed goal of securing equal pay for work of equal value.

As stated in my letter to Bill Wakeham the UCEA's unwillingness to establish a national negotiating machinery which can be agreed by all parties means that retaining national bargaining has been made more difficult. To claim that this can be achieved by a body that excludes the largest union which represents the front line staff of the sector makes no sense at all.

As you can see from my letter we have suggested that we seek the assistance of ACAS to resolve this matter as we genuinely believe that negotiation is the right approach. UCEA have so far failed to respond to this suggestion, so we are now making it a formal proposal. In the absence of agreed machinery we have no option but to forward our claim directly to UCEA.

I should also make it clear that we will vigorously oppose UCEA's current position which asks institutions to declare whether they wish to opt out or opt in to national bargaining for 2009; this risks the destabilising the sector just at time when stability is most needed.

We will take all measures within our powers to ensure that all HE employers support national bargaining. I would therefore ask you to confirm to me that your institution supports UK wide bargaining for higher education pay. A number of institutions have already indicated that this is their position and we welcome this but we are seeking an assurance from all institutions that they do support such an approach.

I emphasise that UCU wishes to resolve all of these issues through negotiation in order to avoid a dispute between us. We hope UCEA will respond in order to protect your interest and those of the thousands of staff that UCU represents.

Yours sincerely



Sally Hunt
general secretary

Tel 020 7670 9700
Fax 020 7670 9799

cc Prof Bill Wakeham, Alastair Hunter, Malcolm Keight, Joycelyn Prudence, Jon Richards, Chris Kaufman, Mike Robinson, Rehana Azam, Lyn McClintock

Encs

2009 pay claim (v @ 19.11.08)

Summary

Many employees in UK higher education – particularly those at the top of their grade – have seen little benefit from the pay Framework Agreement. We wish to see their pay improve. We also wish to see investment in pay 'keep up' relative to comparators, particularly the public sector average. In addition, we set out ways to improve the pay and employment of hourly paid staff, senior staff and female staff.

We therefore wish to see:

1 Pay increases

1. a A pay increase of RPI at June 2009 + 5%, or 8%, whichever is greater, for staff represented by UCU in the HE sector.
1. b The adoption of a grading structure that reflects best practice on each grade, using an extended national pay spine.
1. c An effective flat rate increase to be determined as part of a joint claim, if a joint claim is possible.
1. d Pay increases to be effective from 1 August 2009.

2 Hourly paid staff

- 2.a The assimilation of hourly paid staff to local pay and grading structures introduced under the Framework Agreement as soon as possible, and no later than October 2009.
2. b An hourly rate of £41.23 exclusive of holiday pay for all hourly paid teaching staff prior to assimilation to new grading structures.

3 Senior staff pay

- 3.a The national pay spine extended to point 64 (in 3% increments) and a recommended Ac5 / grade 10 introduced, such that staff move through the grade by annual incremental progression to the non-discretionary maximum.

4 The gender pay gap

- 4.a All HEIs to complete comprehensive equal pay reviews, with action to close any identified pay gaps by December 2009, in partnership with the recognised trade unions.

1 Pay increases

1.1 Over the decade 1998 to 2007, based on gross mean average weekly pay data published in the government's Annual Survey of Hours and Earnings (ASHE), the pay of higher education teaching professionals (HETPs) rose 7.6% in real terms. This was 6.6 percentage points below the real terms rise in average pay for the public sector, of 14.2% (Appendix 1). ¹

1.2 All parties must be committed to ensuring that higher education pay does not fall back again relative to the general economy. We believe that an increase of RPI at June 2009 + 5%, or 8%, whichever is greater, would provide the necessary increase in pay to avoid this.

1.3 Despite the real terms increases in HETPs' pay, staff costs as a proportion of total UK HEI expenditure have remained at 58% (Appendix 2); HEIs in England have forecast that staff costs will remain at 58% of total expenditure until 2010-11. ²

1.4 Because the Framework Agreement was designed chiefly to improve pay at the bottom of scales, most UCU members on the top points of lecturer, senior lecturer and principal lecturer grades, and comparable academic-related grades, have benefited only marginally from the Framework. Whilst there has been some achievement in terms of 'catch up', career earnings expectations remain very uncompetitive.

1.5 To address this problem, we wish to see the adoption of a grading structure that reflects best practice on each grade (see Appendix 3), using an extended national pay spine.

1.6 An effective flat rate increase to be determined as part of a joint claim, if a joint claim is possible.

1.7 These pay increases are to be effective from 1 August 2009 and no later.

2 Hourly paid staff

2.1 Whilst there has been a significant move of hourly paid staff to the new pay and grading structures in the post-1992 sector, assimilation is by no means complete. In the pre-1992 sector, progress has been even slower.

2.2 The assimilation of hourly paid staff to the new pay and grading structures introduced under the Framework Agreement is imperative to ensure no less favourable treatment for this group of staff and to satisfy the provisions of the Equal Pay Act.

2.3 Given that the majority of part-time lecturers are women (Appendix 4), the assimilation of hourly paid staff is also linked to the duties of HEIs to promote equality of opportunity and to address the causes of any gender pay gap under the Equality Act 2006.

¹ In this pay claim, ASHE figures (based on a sample) are used because they enable comparison with other employee groups in the ASHE survey; otherwise, HESA data (based on a census) are used because they are felt to provide a more comprehensive and stable picture of pay in higher education.

2.4 We wish to see a commitment to the assimilation of hourly paid staff to local pay and grading structures introduced under the Framework Agreement as soon as possible, and no later than October 2009. Such assimilation must be coupled with a commitment to the backdating of any pay increase provided to hourly paid staff to the date of effective local implementation of the Framework Agreement. Such a commitment to backdating would not in any way restrict, or attempt to restrict, an individual's right to pursue a claim under the Equal Pay Act.

2.5 To ensure that hourly paid staff are treated no less favourably than non-hourly paid colleagues, there should also be a commitment to convert hourly paid contracts at assimilation to pro-rata permanent contracts, to provide for incremental progression and to ensure terms and conditions of hourly paid staff are comparable with those on similar grades (for teaching staff the terms and conditions should be the same as for other academic staff engaged in teaching).

2.6 While commitments have been given regarding the assimilation of hourly paid staff, action on this has been deplorably slow. We therefore think it is important that the rate of assimilation is monitored at a national level and joint guidance issued if necessary.

2.7 While the main aim of the employers and trade unions must be to ensure that hourly paid staff are fully and fairly assimilated to the new pay and grading structures, it is also important that those hourly paid staff yet to assimilate are given equal pay for work of equal value during the interim period.

2.8 In the post-1992 sector there existed a national rate of pay for hourly paid teaching staff / lecturers, which has no links to the new local pay and grading structures. After the implementation of the Framework Agreement, most hourly paid lecturers have been assimilated to the national pay spine and should receive incremental progression.

2.9 In the pre-1992 sector no such national rate exists. Rates of pay can vary widely even within institutions, and are not demonstrably linked to either the new national pay spine or the pre-Framework pre-1992 lecturer scale. In terms of equal pay it is essential that the rates of pay of hourly paid teaching / lecturing staff are demonstrably linked to the rates of pay of non-hourly paid teaching / lecturing staff.

2.10 ***Prior to assimilation to the new grading structures locally***, we therefore wish to see an hourly rate of £41.23 (to be increased in line with the October 2008 and August 2009 awards), exclusive of holiday pay, for all hourly paid teaching staff (for details, see Appendix 5).

2.11 To ensure no less favourable treatment for hourly paid staff we are also seeking that the local pay protection arrangements as agreed under the Framework Agreement

² HEFCE, Board Paper B30/08, Single Conversation Outcomes 2006/07; UCU % calculation

be applied in the (unlikely) case of hourly-paid staff suffering a cut in pay as a result of the adoption of this interim national hourly rate of pay. However, the pay protection period should be extended to take into account the period between application of the national hourly rate of pay and full assimilation under the Framework Agreement.

3 Senior staff pay

3.1 We note the good practice relating to the employment of professorial and equivalent staff emerging from a number of HEIs implementing the Framework Agreement, establishing transparent pay grades for these senior employees, with scale points often extending far above the current top of the national pay spine.

3.2 We welcome the establishment of these pay grades, not least because we believe their transparency is a key factor in promoting equal pay for work of equal value among senior staff. UCU analysis of HESA data indicates that for the professorial grade group in the UK in 2006-7, the pay of full-time female professors was 92.7% of that of their male colleagues, with a pay gap of more than 10% to the detriment of women at a dozen institutions.

3.3 We wish to see the national pay spine extended to point 64 (in 3% increments) and a recommended Academic 5 / grade 10 introduced, such that staff move through the grade by annual incremental progression to the non-discretionary maximum, which will be no lower than point 64.

4 The gender pay gap

4.1 We note the commitment given by institutions as part of the Framework Agreement and the 2006 pay settlement that they would carry out equal pay reviews in accordance with the JNCHES guidance within 12 months of the introduction of their new pay structures and periodically thereafter.

4.2 The JNCHES guidance on carrying out equal pay reviews, which was revised in March 2007, recommends audited equal pay across all the equality strands and across different contract types in partnership with the recognised trade unions.

4.3 The Equality Act 2006 introduced the gender equality duty on public bodies, including HEIs. Along with the general equality duties, there are specific gender equality duties on public bodies including the need to include objectives to address the causes of any gender pay gap in formulating overall objectives. It is difficult to see how these duties could be met without carrying out an equal pay audit.

4.4 It is apparent that the commitment to equal pay for work of equal value given in the last two pay settlements has not been acted on to date, although we are also aware of some work in this area in a number of institutions.

4.5 Furthermore, and most importantly, the gender pay gap in higher education still exists. Over the period 1998 to 2007 the average pay of female academics has been around 85% of the earnings of male colleagues – in other words, a gender pay gap of around 15% in favour of males, according to UCU calculations based on data provided by the Higher Education Statistics Agency (see Appendix 6).

4.6 According to the government's Annual Survey of Hours and Earnings, the gap between male and female pay for higher education teaching professionals (excluding research-only academics) is slightly wider, at around 17% (see Appendix 6).

4.7 We wish all HEIs carry out a comprehensive equal pay review, in line with the JNCHES guidance, following the implementation of new pay structures under the Framework Agreement but no later than December 2009, with subsequent reviews at least every 2 years. Such reviews must include all staff, and our proposals in relation to Academic 5 / Grade 10 and hourly paid staff will contribute to achieving this comprehensive approach. Without the inclusion of such staff HEIs run the risk of breaching their duties under the Equality Act and failing to identify potential causes of the gender pay gap.

4.8 It is important that reviews are carried out in partnership with the recognised trade unions, and the results published to the staff. Partnership working will include determining the scope of the review, analysis of data, diagnosis of any causes of pay gaps identified and follow up action to close any identified pay gaps. It is not acceptable for the recognised trade unions to be excluded from any part of the process and we strongly believe that only by working in partnership can we start to tackle this issue.

4.9 To ensure that institutions meet their commitment they will be requested to submit the results of their equal pay reviews by December 2009, to be monitored nationally by the employers and trade unions to ensure that pay gaps are closing and that agreed action plans are having the desired effect. The first round of this exercise will be completed by May 2010.

Appendix 1

Changes in real terms pay 1998-2007

	Doctors	Senior police	HR managers	Lawyers	Architects	Secondary school TPs	Public sector
	£	£	£	£	£	£	£
1998	888.8	720.6	616.5	680.8	509.0	471.3	385.1
1999	929.9	731.4	632.9	712.1	530.2	487.8	396.6
2000	928.2	740.6	658.7	738.9	547.7	492.8	396.9
2001	1025.0	764.8	700.4	761.2	591.6	520.6	411.5
2002	1056.9	769.2	737.8	846.6	627.9	535.4	423.7
2003	1066.9	775.6	708.9	843.2	614.3	542.0	429.0
2004	1091.1	790.3	712.1	821.8	595.5	539.5	437.5
2005	1140.5	863.4	714.2	805.8	614.1	549.6	448.3
2006	1132.2	916.1	728.6	836.8	612.5	540.5	452.1
2007	1068.8	865.3	719.4	793.5	590.0	542.0	439.7

% change in real terms 1998 to 2007							
	20.2%	20.1%	16.7%	16.6%	15.9%	15.0%	14.2%
SOC code	2211	1172	1135	2411	2431	2314	

	FETPs	All employees	HETPs*	ICT managers	Mech engineers	Accountants	Librarians
	£	£	£	£	£	£	£
1998	460.3	392.5	610.6	678.1	544.1	559.1	396.5
1999	459.5	401.4	615.8	711.2	551.2	584.6	407.0
2000	468.5	406.4	614.8	743.1	550.7	573.3	409.6
2001	477.5	422.4	619.6	792.5	570.7	617.2	407.8
2002	502.3	436.9	655.7	817.5	584.5	623.7	396.4
2003	492.6	437.1	657.3	781.0	565.0	612.0	405.4
2004	495.1	443.1	655.6	776.5	583.8	630.8	395.6
2005	497.5	438.8	673.3	763.4	581.1	635.7	407.9
2006	506.6	444.6	682.8	759.0	593.3	620.9	398.4
2007	513.8	435.2	656.9	729.0	579.1	573.9	398.3

% change in real terms 1998 to 2007							
	11.6%	10.9%	7.6%	7.5%	6.4%	2.7%	0.4%
SOC code	2312		2311	1136	2122	2421	2451

TP = teaching professionals

* based on ASHE published data, and likely to include a small percentage of teaching professionals not actually employed in HE sector

Source: ONS ASHE Table 14.7a (except 'public sector' Table 13.7a); real terms and % calculations by UCU

Appendix 2

UK HEIs: Staff costs as % total expenditure

	%
1994-5	57.7
1995-6	57.9
1996-7	57.9
1997-8	57.3
1998-9	57.9
1999-2000	58.2
2000-1	58.4
2001-2	58.0
2002-3	58.5
2003-4	58.5
2004-5	58.4
2005-6	57.8
2006-7	57.8

Source: HESA, Resources of Higher Education Institutions, series

Appendix 3

Summary of post-Framework grading structures

Grade 8/Academic 3 Lecturer (post-92 senior lecturer) main grade (ranked by top point):
HEIs where top non-discretionary point of grade is higher than point 43

HEI	Bottom point of grade	Top point of grade (excludes contribution points)	
Liverpool University	37	45	
Cambridge University	37	45	
Keele University	38	44	
Ulster University	38	44	
Central Lancashire	39	44	Grade I
Exeter University	39	44	
Glasgow University	39	44	
Liverpool JMU	37	44	Entry academic grade at JMU; grade 8 has 6 points, only bottom & top correspond with 51-point spine
Manchester University	37	44	
Reading University	34	44	
Northumbria University	37	44	
Queen's University Belfast	37	44	
Strathclyde University	37	44	
Hertfordshire University	36	44	
Huddersfield University	36	44	

**Grade 9/Academic 4 Senior (post-92 principal) lecturer main grade (ranked by top point):
HEIs where top non-discretionary point of grade is higher than point 49**

HEI	Bottom point of grade	Top point of grade (excludes contribution points)	
Liverpool University	46	53	
Oxford University	42	52	Sole lecturer grade
Manchester University	45	51	
Nottingham University	45	51	
Exeter University	47	50	
Central Lancashire	45	50	Grade J
Huddersfield	45	50	
Keele University	45	50	
Northumbria University	45	50	
Queen's University Belfast	45	50	
Ulster University	45	50	
Hertfordshire University	44	50	

The data in these tables are not comprehensive; UCU reserves the right to update as new data become available

Appendix 4

Gender and mode of employment

Activity (2A) Academic Professional.

HESA Staff Record 2006/07	Gender		
Mode of employment	Female	Male	Total
Full-time.	41075	70830	111905
Full-time, term-time only.	400	355	755
Part-time.	20605	16400	37000
Part-time, term-time only.	9235	9680	18910
Atypical.	60	85	145
Total	71365	97345	168715

Totals may not sum due to rounding

Activity (2A) Academic Professional.

HESA Staff Record 2006/07	Gender		
Mode of employment	Female	Male	Total
Full-time.	36.7%	63.3%	100.0%
Full-time, term-time only.	52.8%	47.2%	100.0%
Part-time.	55.7%	44.3%	100.0%
Part-time, term-time only.	48.8%	51.2%	100.0%
Atypical.	41.5%	58.5%	100.0%
Total	42.3%	57.7%	100.0%

Source: HESA staff record 2006/07

Hourly rate of pay

This rate is calculated as a comprehensive teaching rate to take into account the additional work (preparation, marking, etc) associated with one hour's teaching. It does not however provide for holiday pay, sick pay, employer pension contributions or any other benefit due to hourly paid members of staff.

This rate of pay can be demonstrably linked to the new pay and grading structures – the calculation uses point 34 on the national pay spine as an appropriate pay point. Point 34 has been chosen for a number of reasons: Ac2 is the entry level for in HE for teaching / lecturing staff; point 34 is midway through the Ac2 scale for many institutions, but is also the only point on the scale that is guaranteed to fall within Ac2 in all agreements concluded to date.

The comprehensive rate is based on a ratio of 2.5: 1 in relation to hours of work: class contact time. This ratio has been adopted and accepted as a minimum in the post-1992 sector for many years, and is included in the JNCHES guidance on the assimilation of hourly paid staff in post-1992 institutions.

The calculation is also based on a year of 52.18 weeks and a working week of 37 hours, as follows:

Salary at point 34 on the pay spine (01/05/08)	£31,840
Hourly rate: $31,840/52.18/37$	£16.49
Rate per teaching hour: 16.49×2.5	£41.23

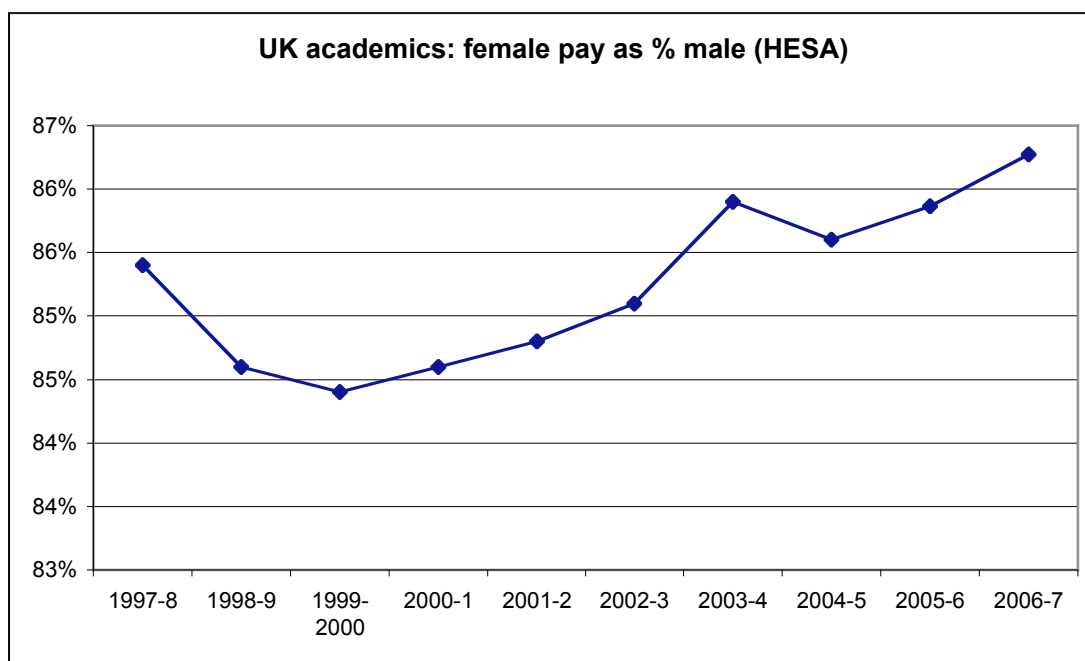
Appendix 6

Gender pay gap

UK academic staff: gender pay gap (HESA)

Annual salary	Female	Male	Total	F as % M
1997-8	£25,140	£29,448	£28,113	85.4%
1998-9	£26,158	£30,920	£29,407	84.6%
1999-2000	£27,240	£32,274	£30,628	84.4%
2000-1	£28,361	£33,535	£31,802	84.6%
2001-2	£29,083	£34,307	£32,510	84.8%
2002-3	£30,473	£35,802	£33,931	85.1%
2003-4	£32,320	£37,639	£35,773	85.9%
2004-5	£32,975	£38,544	£36,534	85.6%
2005-6	£35,250	£41,053	£38,933	85.9%
2006-7	£37,367	£43,314	£41,128	86.3%

Source: HESA; average salary for full-time employees (includes teaching-only and research-only staff as well as teaching-and-research academics); % calculations by UCU

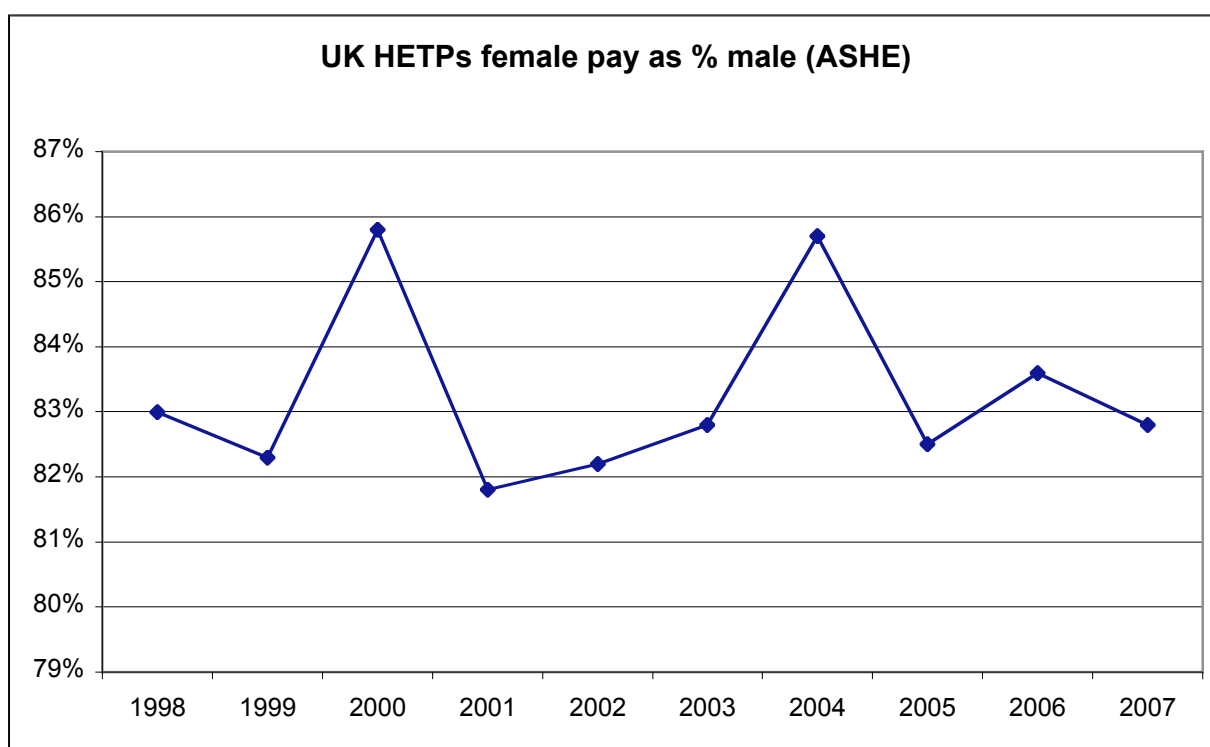


Source: HESA; average salary for full-time employees (includes teaching-only and research-only staff as well as teaching-and-research academics); % calculations by UCU

UK higher education teaching professionals: gender pay gap (ASHE)

Weekly pay	Male	Female	F as % M
April	£	£	
1998	644.3	534.5	83.0%
1999	652.2	536.9	82.3%
2000	663.0	568.8	85.8%
2001	690.2	564.8	81.8%
2002	743.0	611.1	82.2%
2003	764.2	633.1	82.8%
2004	773.6	663.1	85.7%
2005	833.6	687.4	82.5%
2006	863.2	721.9	83.6%
2007	875.6	725.2	82.8%

Source: ASHE table 14.1a – full-time mean gross weekly pay; % calculations by UCU



Source: ASHE table 14.1a – full-time mean gross weekly pay; % calculations by UCU