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### Report from UCU Higher Education Committee (HEC) meeting, 9 December 2011

#### USS dispute

HEC discussed ongoing developments in the USS dispute. The 'work to rule' in pre-1992 HEIs remains in place and is causing difficulties for employers. The employers have agreed to talks, the terms of reference of which are being established. In the mean time, planning continues in relation to the possible next phase of action. HEC agreed that a meeting of representatives of pre-1992 branches/LAs should take place early in the new year, to discuss developments in the dispute and plans for escalation if the dispute is not resolved. For further details on this event see HE circular UCUHE124:

<http://www.ucu.org.uk/circ/pdf/UCUH E124.pdf>

HEC also agreed campaign activities based on recommendations of the Ethical Investment Working party established under the auspices of the HEC's Superannuation

Working Group. These relate to both the Fairpensions campaign and ethical investment principles.

#### National claim 2012-13

The HEC agreed the principles of the UCU national claim for 2012-13. In relation to pay, this will be based around the need to address the real terms pay cut endured by members over the last two years and reflect further projected increases in the cost of living over the next year.

These principles will form the basis of the UCU input into the forthcoming discussions with the other HE unions to form a joint trade union side claim.

#### National Ratification Panel

Following on from the agreement at the October HEC of a new ratification process for

local agreements, a negotiating pack to be sent to all HE branches/LAs in the new year was agreed. The negotiating pack will consist of all hitherto approved negotiating guidance across a range of industrial issues, together with explanations and guidance in relation to the respective roles of branches/LAs, the ratification panel and regional and national officials within the ratification process.

Regional meetings will be set-up in the first half of 2012 to brief branches/LAs on the new process and on using the negotiating packs.

### **Private Providers in HE**

HEC agreed that work should take place on a report considering the industrial agenda for our members employed by private providers in HE. Work is also continuing on gathering data on terms and conditions of staff working for such private providers. Branches/LAs are asked to send any details they have on terms and conditions in such providers (including copies of employment contracts if possible) to Stefano Fella, [sfella@ucu.org.uk](mailto:sfella@ucu.org.uk).

See also UCU HE circular UCUHE119:

<http://www.ucu.org.uk/circ/rtf/UCUHE119.rtf>

### **Research Excellence Framework (REF)**

At the UCU's Higher Education Sector Conference in May 2011, the union reiterated its policy of opposition to the 2014 Research Excellence Framework (REF). We believe that the REF will have a detrimental impact on the UK higher education system, including the demoralisation of staff, discriminatory practices and possibly the closure of departments.

Conference policy instructs the HEC 'to consider the most effective way for our

members to withdraw from participation in the REF.' In order to discuss this policy, we are staging a branch consultation meeting at UCU Head Office on 3 February 2011. All HE branches/ LAs are encouraged to send one or two representatives to this meeting. For details on registration and the provisional agenda of the meeting see HE circular UCUHE125:

<http://www.ucu.org.uk/circ/rtf/UCUHE125.rtf>

### **UCAS Admissions process review consultation**

UCAS are currently consulting over proposed changes to the admissions system in Higher Education. In essence, they are proposing a new system whereby applicants would apply only with known grades. A 'post-results' system would require changes to the A level examinations timetable, and in particular, the need for the exams to start 15 days earlier than at present. Given the impact on schools, colleges and universities, the earliest date that a post-results system would apply is for the 2016 year of entry. The consultation document is on the UCAS website at:

<http://www.ucas.com/reviews/admissionsprocessreview/>

We would welcome your comments on the proposed changes to the admissions process. Please send comments to Paul Cottrell, UCU Head of Public Policy [pcottrell@ucu.org.uk](mailto:pcottrell@ucu.org.uk) by 9 January 2012.

## **Government Reforms to Employment Law**

The government is proposing a number of changes to employment law which will further diminish workers' rights and increase the inequality in the relative power between employees and employers. This includes reforms to rules around dismissal processes (including an increase to the qualification period for unfair dismissal from one to two years), changes to processes around conciliation and the role of ACAS, and consultation on 'protected conversations', which would allow employers to discuss issues like retirement or poor performance in an open manner with staff - without this being used in any subsequent tribunal claims. For more details see

<http://www.guardian.co.uk/politics/2011/nov/23/vince-cable-employment-law-security>

The government has also announced a call for evidence on the rules on collective redundancy consultation (with a view to reducing the 90 day minimum consultation period to 30 days where there are 100 or more envisaged redundancies) and the effectiveness of the Transfer of Undertakings (Protection of Employment) 2006 Regulations. The calls for evidence seek views on the advantages and disadvantages of the current rules and regulations. In relation to both, the emphasis in the questions is very much from the employers' perspective, and it will be important that trades unions argue the case for non-dilution of existing provisions.

UCU intends to make a submission of evidence to both and branches/LAs are invited to send in examples to help inform

our response. These should be sent to Michael Scott, UCU Head of Legal Services and Employment Law [mScott@ucu.org.uk](mailto:mScott@ucu.org.uk) by 20 January 2012. For further details and links to the government consultation documents see UCU circular UCU389: <http://www.ucu.org.uk/circ/html/UCU389.html>

## **HMRC consultation on VAT exemption for shared services**

Following a HMRC consultation over the summer, the government announced in the Chancellor's Autumn Statement in November that it will be introducing the VAT cost sharing exemption in the Finance Bill in 2012. The VAT charge had been viewed as an obstacle to the shared services agenda being pushed by the government for HEIs, colleges and other public institutions.

UCU put in a joint statement with UNISON to the government consultation outlining our concerns about the shared services agenda in HE: that this will lead to job losses, cuts in terms and conditions for staff and the possible establishment of 'arms length' companies to manage shared services which are privately outsourced. We put forward our view that any separate body set up to manage the shared services should have transparent and accountable governance structures and remain in the not-for-profit sector, and that the exemption should not apply if the management of the shared services is outsourced to a private for-profit company, or if private for-profit providers are included in the shared services consortium.

## **Outsourcing case studies – let us know what’s happening at your institution**

New briefing materials on outsourcing and how to challenge its development locally were included in the revised branch guide to fighting privatisation issued in May. See:

[http://www.ucu.org.uk/media/pdf/r/9/ucu\\_fightingprivatisationguide\\_may11.pdf](http://www.ucu.org.uk/media/pdf/r/9/ucu_fightingprivatisationguide_may11.pdf)

A number of workshops and discussions on outsourcing have also taken place at the annual meetings of academic-related staff in recent years, and there have been regular updates on outsourcing in the academic related newsletter. See:

<http://www.ucu.org.uk/index.cfm?articleid=5174>

We would welcome examples and case studies from HE branches/LAs and members on how outsourcing or the shared services agenda has impacted on their institution. We are also aware that a number of HEIs are establishing separate commercial arms or subsidiary companies that are susceptible to outsourcing and involve staff being employed on inferior terms and conditions, and would welcome more information and case studies in relation to this practice. Please send any examples, cases studies and information to Stefano Fella, [sfella@ucu.org.uk](mailto:sfella@ucu.org.uk)

## **Public Sector Equality Duty**

Local associations and branches in English HEIs are advised to request details of how their institution is complying with the specific Public Sector Equality Duty (Scottish and Welsh specific duties differ to those in England, and Northern Ireland has separate legislation). In England the specific duties

regulations will require institutions to publish:

- one or more equality objectives by 6 April 2012, and thereafter at least every four years. Equality objectives must be specific and measurable.
- information to demonstrate their compliance with the equality duty by 31 January 2012 and thereafter, at least annually.

A model letter, which can be adapted to help branches/LAs make the request, can be found on the UCU Equality Unit’s webpage:

<http://www.ucu.org.uk/index.cfm?articleid=1868>

## **Lesbian Gay Bisexual Trans History Month**

Lesbian Gay Bisexual Trans History Month takes place every year in February. It celebrates the lives and achievements of the LGBT community. Local associations and branches are encouraged to organise events in their institutions to celebrate LGBT Month in February 2012, aimed at promoting LGBT history and supporting campaigns for LGBT equality. For further information contact Seth Atkin, Equality Support Official, [s.atkin@ucu.org.uk](mailto:s.atkin@ucu.org.uk)

## Dates for your diaries

### Annual Meetings

Formal calling notices for the annual meetings of our specialist group committees will be circulated early in the new year. However, branches/LAs are requested to note these dates in advance and ensure that their own meetings' calendar allows time for the branch to seek and elect delegates and nominations and approve motions.

- √ MRC, NIBSC and GE Healthcare (Imanet) annual meeting : Friday 2 March 2012

Deadline for motions: 10 Feb; Deadline for registrations/nominations: 17 Feb

- √ Annual meeting for staff on casualised contracts: Friday 9 March 2012

Deadline for motions: 17 Feb; Deadline for registrations/nominations: 24 Feb

- √ Annual meeting for academic-related staff: Wednesday 21 March 2012

Deadline for motions: 29 Feb; Deadline for registrations/nominations: 7 March

Branches/LAs are reminded that the election of delegates to annual meetings, submission of motions and nominations for Committees, require approval by a quorate branch meeting, or a quorate branch committee meeting or a properly constituted meeting of relevant members (e.g. staff on casual contracts or academic related staff).

### Defence of Public Education Conference, Saturday 10 March 2012 – University of London Union, Malet Street

UCU will be holding a major conference on the defence of public education in London on Saturday 10 March 2012. Its aim is to bring together unions, students and organisations with an interest in defending our education system from cuts, privatisation and the institutionalisation of social inequality.

The conference will include speakers on the break-up of the school system, the attacks on further, adult, prison and ESOL education at a time of rising unemployment, and on the abject poverty of the government's vision for the future of higher education.

There will be an opportunity for delegates to discuss how we can most effectively unite around a principled defence of our education system.

Attendance at the conference will be free for all UCU members. Please register your interest in attending now by contacting Sue Bajwa at [sbajwa@ucu.org.uk](mailto:sbajwa@ucu.org.uk).