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Report from UCU Higher Education Committee (HEC) meeting, 24 February 2012

National claim 2012-13

HEC reconfirmed its approval of the principles of the national claim, made at the December meeting, based around the need to address the real terms pay cut endured in recent years, keep up with projected cost of living increases, and address a number of equality issues. These principles will form the basis for negotiation with the other HE trade unions

HEC also delegated authority to the national negotiators to agree this year's joint national claim with the other unions prior to submission to UCEA in advance of the first New JNCHES meeting on 30 March. HEC recognised the need to campaign for the pay claim following submission to the employers.

Branches will receive an update on the development of a joint union claim as soon as possible.

Pensions Update: USS and TPS

Following the decision of the conference of pre-1992 branches/LAs on 31 January,

industrial action in relation to the USS dispute has been suspended, in order to facilitate talks with the employers.

A consultative ballot in relation to the TPS dispute is currently being held for members at institutions where TPS is the principal pension scheme. The ballot closes on 13 March. For details on the TPS campaign and ballot see: <http://tps.web.ucu.org.uk/>

A special NEC will discuss the outcome of the ballot and next steps in the TPS dispute on 16 March. Should further industrial action be called, advice will also be issued to members at USS institutions on ways in which their colleagues in TPS can be supported.

Research Excellence Framework (REF)

HEC discussed UCU policy on the REF in the light of a report on the seminar for branches held at Head Office on 3 February. Discussion had focussed on the detrimental impact of the REF on the sector generally, and on academic staff in particular, and strategies to address this.

As agreed by HEC updated guidance in relation to our approach to the REF, informed by these discussions, will be circulated to branches shortly.

In the short term, we will continue to work to improve fairness and transparency in the process, particularly in relation to institutional codes of practices regarding the inclusion or exclusion of staff in REF returns. This will also involve pressure on employers to agree no-detriment clauses in relation to academic staff not included in REF submissions, within the framework of professional development policies which recognise the variety of contributions made by academic staff in research, teaching and other roles, and are based on agreed expectations of academic contribution. See UCUHE97 which provided guidance on negotiating professional development policies and resisting performance management:

www.ucu.org.uk/circ/rtf/UCUHE97.rtf

In the long term, we will continue in our principled opposition to the REF, exposing its flaws, biases and detrimental effects on the sector, and working to develop a consensus around alternative approaches for assessing the contribution of academic staff and making decisions on research funding.

UCU118 provided commentary and advice in relation to institutional codes of practice on REF submissions. It also suggested possible wording around no-detriment for staff not included in the REF which branches/LAs should pressurise their HEIs to adopt (and monitor compliance with). See:

www.ucu.org.uk/circ/rtf/ucuhe118.rtf

We are looking to highlight both good and bad practice in terms of institutional codes of practice on REF submission (and the role of

branches in influencing these) and in terms of no-detriment agreements/ statements adopted by the employers. If you have examples to share, please send them to Stefano Fella, National Industrial Relations Official: sfella@ucu.org.uk

Grade Drift

HEC agreed to issue guidance on the issue of Grade Drift: the practice whereby staff are asked to perform roles associated with a higher level grade when employed on a lower grade. There are a number of examples of how this can occur; local role profiles deviating from the national examples, promotion criteria inflating grade expectations and performance management expectations for particular roles which go beyond those implied by the agreed role profiles.

Such grade drift, where locally agreed or national profiles are undermined, should be regarded as a breach of your local framework agreement and branches should respond accordingly.

Guidance will be issued to branches/LAs shortly, emphasising the need for vigilance in ensuring that nationally agreed role profiles are adhered to, and that locally agreed profiles and other local processes do not undermine them.

Professorial Project

HEC discussed a report on the Professorial project being developed by the HE team at Head office. It agreed that further work be undertaken to increase union recruitment of this group of staff and local negotiating rights on their behalf where not currently recognised. Advice will be issued to

branches/LAs on negotiating a transparent and fair professorial grading structure (extending the agreed national pay spine upwards). This on-going project will also involve developing advice to branches/LAs in tackling the under-representation of women, BME and disabled staff in the professoriate and any identified pay gaps.

Scottish Governance Review

HEC welcomed the outcome of the review of higher education governance in Scotland, published in January. The review panel included a UCU representative and represents a major step forward in UCU's work to promote good governance in the sector. The recommendations of the report align closely with the recommendations of HEC's governance working party, made in February 2010. In particular the Report recommends:

- Protecting academic freedom and institutional autonomy
- The appointment of two nominees of both students and staff unions to the governing body and committees
- Greater transparency in appointments and remuneration of senior management
- Election for chairs of governing bodies
- A broadening of the experience of governing body members and greater transparency in appointment procedures
- Reserving the designation 'university' to independent public bodies accredited in Scotland

HEC agreed on the need to publicise the recommendations of the report in the hope that the good practice advocated could be developed as a model across the UK.

Workload

The work to contract in relation to the USS dispute clearly brought to the fore the issue of the excessive workload endured by all staff in HE. The excessive hours worked was also highlighted by the TUC report published in February 2012 which revealed that teaching and educational professionals were the most likely occupation group to work unpaid overtime (see www.ucu.org.uk/5972).

The suspension of our 'work to contract' in relation to the USS dispute should not be seen as a green light for the employer to expect our members to return to excessive working hours or to ignore relevant legislation. Members should continue to maintain a healthy work-life balance. Branches are encouraged to refer to the advice at www.ucu.org.uk/workload in order that workloads remain a collective issue.

Fixed Term Contracts and Redundancy consultations

HEC discussed the implications of a recent Employment Appeal Tribunal (EAT) Scotland judgement on collective redundancy consultations relating to the duty to consult when the employees affected are on fixed-term contracts (University of Stirling v UCU).

In this case, the EAT decided that the duty did not apply. However, UCU's position remains that the duty to consult applies to all redundancies in an establishment. Employers should be reminded that the obligation to consult with the trade unions is set out in the JNCHES guidance on Fixed-Term and Casual Employment and is regarded as good practice and necessary to avoid claims of unfair dismissal. The Fixed-Term and other JNCHES

guidance can be found here:

www.ucea.ac.uk/en/New_JNCHES/Guidance/

Employers need also to be aware that if they refuse to consult with UCU on collective redundancies – including those involving fixed-term staff - they continue to risk litigation by UCU.

Branches / LAs should therefore continue to push for robust redundancy avoidance policies that cover all staff, in all situations, and to ensure that any policies already agreed are not weakened.

For more details on the EAT case, and our response, see circular UCUHE135, which reaffirms our position in relation to collective redundancies, the employer duty to consult, and application to fixed-term-staff:

www.ucu.org.uk/circ/rtf/UCUHE135.rtf

LGBT update

New guidance on trans equality in post – school education has been published by the Forum, whose members are drawn from a broad spectrum of FE and HE sector agencies, including trade unions. The guidance can be downloaded from the Forum’s new website.

<http://Sgforum.org.uk>

UCU’s third LGBT research conference will be held on Friday 18th May 2012 at London South Bank University. For further information and to register please contact Seth Atkin / Antoine Rogers:

aracon@london.com by Friday March 30th 2012.

Academic Related Staff annual meeting

The annual meeting for academic-related staff will take place on Wednesday 21 March 2012 at Head Office. The deadline for registration of branch delegates to the meeting and nominations to the national Academic Related Committee is 7 March. See the calling notice for the meeting here: www.ucu.org.uk/circ/rtf/ucu396.rtf.

Following on from the official business of the meeting in the morning (including debate and vote on motions), the guest speaker in the afternoon will be John Kelly, Professor of Industrial Relations, Birkbeck College, speaking on the theme: *Collective Mobilisation – Strategies for UCU*. This will be followed by workshops on mobilising academic related staff, and on outsourcing and shared services.

Post-92 members’ annual meeting

The annual meeting for members in post-92 institutions will be held at Head Office on Friday 23 March. The deadline for registration is Friday 9 March 2012

Branches are entitled to send up to 2 voting representatives to the meeting who should be elected by a quorate general meeting or branch committee meeting. See the calling notice here:

www.ucu.org.uk/circ/html/UCU405.html