

University and College Union (UCU) response to the Smith Commission on the devolution of further powers for the Scottish Parliament

The University and College Union is the largest trade union in the Post-16 education sector in the UK, representing 120,000 academic and related members across the UK, and is the largest union in the higher education sector in Scotland.

We welcome the opportunity to respond to the Commission's call for evidence and are happy for this submission to be made publically available.

Introduction

UCU made a conscious decision to remain neutral during the referendum debate believing that it was for our members as individuals to decide how they should vote. This decision reflected the lack of a uniform view amongst our members and the wide ranging debates that took place within our branches and more generally in the higher education sector. It also enabled the union to provide a critique of both the Scottish Government's White Paper on independence and the 'Yes' campaign, and the offerings of the parties involved in the 'Better Together' campaign. UCU Scotland's executive met with representatives of both sides of the debate, as well as participating in a range of discussions and debates over the past couple of years.

UCU Scotland published a **manifesto**¹ for the referendum which outlined our vision for the sector including publically funded institutions without student tuition fees; maintaining the distinctive education system with the four year honours degree; and the defence of academic freedom and ending casual contracts for staff.

The manifesto listed a number of issues we believed should have been central to the debate leading up to the referendum and focused exclusively on issues that related to higher education. The trade union movement has views along with other members of civic Scotland on what a new constitutional settlement should look like and UCU Scotland will play our part in formulating those views through the STUC. This consultation response, however, is restricted to those areas from our manifesto which impact on the higher education sector in Scotland and which remain relevant to the current debate on the nature of enhanced devolution.

¹ http://www.ucu.org.uk/media/pdf/a/m/ucus_referendum2014manifesto_oct13.pdf

We are clear that any policy initiatives - including potential new powers for the Parliament facilitating policy changes - need to be properly considered to assess whether they benefit, or allow a future Parliament to benefit, the provision of higher education in Scotland. In particular, that any new powers are fair for all students regardless of their age and circumstances; can attract and retain staff; and that they will deliver a system that offers the broadest choice of courses.

That basic principle lies behind the proposals contained in this submission. UCU have identified six key questions any new policy, funding initiative or additional constitutional power should be assessed against to determine whether a proposal fulfils those objectives. The invitation to submit evidence to the Commission stipulated that organisations outline the principals behind their submission rather than simply presenting a shopping list of additional powers.

To that end UCU's six questions are:

- Will the proposal make it easier for people to reach their full potential?
- Will the proposal increase our academic capacity and research base?
- Will the proposal make Scotland a more attractive place for academic staff to work?
- Will the proposal make it less costly for individuals to study, whether young or old?
- Will the proposal broaden the range of subjects available for study?
- Will the proposal lead to higher quality and reduced fragmentation in the sector?

Immigration

Higher education is an international enterprise where institutions both compete and act collegiately with one another irrespective of national boundaries. To be able to so depends on the free movement of both staff and students. Current UK immigration policy is as damaging to the HE sector in Scotland as it is to the sector elsewhere in the UK. For example, research carried out in 2013 showed that over half of international students studying in the UK surveyed said that UK Government immigration policy not only made them feel less welcome in the UK but also damaged the UK's reputation elsewhere in the world.² And on the staff side UCU lay representatives in universities spend a significant amount of their time working with and representing members who are working at a high level but are having problems with the visas and their right (or their partner/families rights) to remain in the country.

The Fresh Talent Initiative (piloted in Scotland before being rolled out across the UK and subsequently ended in 2008) showed that it is possible to have different

² <http://www.ucu.org.uk/6683>

immigration rules in a component part of the UK without there being a detrimental effect to the other parts or becoming an unintentional back door into the rest of the country. Given the different demographic in Scotland the ability to offer post-study visas and vary other in-work visas would benefit Scotland's higher education system, as well as the wider economy and society.

Current immigration policy is having a negative impact on the higher education sector presenting barriers to overseas students and staff. This is a concern shared by employers in the sector, and university principals have routinely called for changes to immigration policy³. UCU believes that the Scottish Parliament should be able to operate an immigration policy in Scotland that benefits its economy, society and culture, and is calling on the Smith Commission to provide the Scottish Parliament with the levers to enable it to do so. As indicated the 'Fresh Talent Initiative' showed during the years before it was rolled out across the UK that it is possible to have different systems operating across the UK. We believe that sufficient powers should be devolved to the Scottish Parliament to allow the Scottish Government to introduce a similar scheme to the Fresh Talent Initiative and which would include at least a two year post-study work visa for international students graduating from Scottish universities and institutions.

Research funding

We are supportive of arguments made to encourage more investment in research and development. While Scottish higher education institutions, as a direct result of the quality and successes of their academic staff, are disproportionately successful in competing for and winning research funding, Scotland lags behind other parts of the UK in business and private sector investment in research and development.

Giving the Scottish Parliament the power to incentivise businesses to invest in research and development through the use of tax incentives within an agreed framework is one that UCU would support. We believe that any tax incentives for business investment in research and development should operate within a framework that ensures positive outcomes for learners and education. This would be good for business in Scotland but importantly also for the higher education sector as there would be crossover and joint working between the private sector and universities.

While we are keen to see powers given to the Parliament to incentivise research and development we do not believe that the public funding of research in the higher education sector should be devolved more than is the case at present. We currently

³ <http://www.heraldscotland.com/news/education/uk-immigration-policy-puts-off-students-warns-university-chief.23987039>

have a mixed system where research funding comes direct to institutions through the Scottish Funding Council and additional funding is won through competitive bids from UK and European research councils. This mixed system works well and Scotland generally does well from the UK councils, winning a higher share of grants than a simple population share would give.

Given that Scottish institutions historically do well under the current system and that research is by its very nature a collaborative, national and even global activity then we are best served by the councils remaining as UK bodies and acting along with European funding bodies and the Scottish Funding Council.

Collective bargaining

We are aware that some other individual trade unions, the TUC and STUC may offer views on the possible devolution of employment matters and workplace protections. UCU are limiting our submission to matters relating to higher education.

Universities currently operate collective pay bargaining arrangements on a UK-wide basis, reflecting the vast labour market for the sector, which for many institutions and disciplines operates not only at a UK-level, but on a global scale. Many other terms of employment are agreed through collective bargaining at an institutional level.

Scotland has a very diverse university sector, with world leading institutions, small specialist institutions, ancient and modern universities, institutions which serve local communities as well as having unique applied research specialism. It is important that the sector is able to negotiate pay on a fair, efficient and sector-led basis; and from both employers' and employees' perspectives there is a strong case for continuing the current UK-wide collective bargaining arrangements. We note that UK pay bargaining in the higher education sector already incorporates the vast majority of institutions across different employment rights jurisdictions, given equality and workplace protection is devolved to the Northern Ireland Assembly. UCU Scotland consider it important that the Smith Commission recognise the value of the UK-wide collective bargaining arrangements that operate within higher education, and in other sectors, and that any proposals that it makes do not adversely impact upon trade union and employer abilities to collectively bargain at this level.

Summary

UCU welcomes the opportunity to submit evidence to the Commission. We have limited our evidence in this submission to areas relating to higher education and where there is scope for further devolution.

- We believe that there should be further powers given to the Scottish Parliament on immigration to allow the Scottish Government to introduce a scheme similar to the 'Fresh Talent Initiative', and to enable a cohesive education and immigration policy

approach.

- The parliament should have sufficient taxation powers to allow it to incentivise the private sector to invest in research and development within a fair framework.
- The current mixed system of research funding for higher education institutions, namely of funding through the Scottish Funding Council, UK Research Councils and European funding bodies should be retained. UK Research Councils should remain UK wide and not be devolved.
- While Scotland's university sector remains a valuable contributor to higher education within the UK then collective bargaining arrangements relating to pay as well terms and conditions should be maintained at a UK level.

University and College Union
www.ucu.org.uk

Sally Hunt
General Secretary, UCU

David Anderson
President, UCU Scotland

For further information please contact:

Murdo Mathison
Policy and Communications Officer,
UCU Scotland
Tel 0131 226 6694
mmathison@ucu.org.uk