

## University and College Union

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<b>To</b>	Delegates attending FE Special Sector Conference
<b>Topic</b>	<b>FE special sector conference, 13 December 2014: including motions and amendments submitted</b>
<b>Action</b>	For debate at Further Education Special Sector conference on Saturday 13 December 2014
<b>Summary</b>	Motions and amendments for debate at the FE special sector conference to be held in Manchester on Saturday 13 December 2014
<b>Contact</b>	David Bussell, Bargaining & Negotiations administrator ( <a href="mailto:dbussell@ucu.org.uk">dbussell@ucu.org.uk</a> )

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### FURTHER EDUCATION SECTOR

#### FURTHER EDUCATION SPECIAL SECTOR CONFERENCE

**Mechanics Institute, Manchester, 13 December 2014**

**Motions and amendments received by deadline**

**Conference business will start at 11:00 prompt to finish no later than 16:00.  
Registration from 10:15.**

#### AGENDA

- 1 Opening business (11:00 – 13:00)**
  - Welcome and Chair's business
  - Report of the CBC (for adoption)
  - Report from Michael MacNeil, National Head of Bargaining & Negotiations (for adoption)
  - Questions to the report
- 2 Debate of motions (11:30 – 13:00)**
- 3 Lunch (13:00-14:00)**
- 4 Continuing debate of motions (14:00-16:00)**
- 5 Conference business closes (16:00)**

## **INTRODUCTION**

This document sets out the motions and amendments for debate at the FE special sector conference to be held in Manchester on Saturday 13 December 2014.

The Congress Business Committee (CBC) met on Friday 5 December.

CBC considered all motions received by the deadline.

CBC drafted one composite motion (numbered 3 below).

CBC received amendments to the motion by the deadline of noon, Thursday 11 December.

### **I MOTIONS AND AMENDMENTS FOR DEBATE**

#### **1 2014-15 pay dispute Sunderland College, Gateshead College, South Devon College, Burnley College, Hull College, East Riding College, Redcar and Cleveland College, Sheffield College, Nelson & Colne College, Derwentside College**

Conference notes that:

1. 85% of members voting in the consultative ballot on the 2014-15 recommended pay offer from the AoC, voted to reject the offer.
2. But only 15% of members voted
3. The counterproductive and overambitious plans for action set-out by the FEC at its meeting on 17 October.

Conference believes that our action over recent years has failed to gain improvements in the employers' offer and this is not explained by members being held back from more action by the leadership.

Conference agrees that industrial action must remain part of the UCU's armoury but that for tactical reasons we should not call industrial action on 2014-15, instead we focus on implementing an effective strategy for the 2015-16 and learning lessons for the 2016-17 bargaining rounds.

##### **1A.1 (Trafford College, Sunderland College)**

To be inserted after Point 3:

4. FEC considered whether it was possible to mobilise members on this very low turnout on the back of a 26% turnout in the statutory ballot. A proposal to rerun a statutory ballot was lost by 1 vote. The majority voted to call a national strike on 14 October against legal advice. We had to call that strike off because, as predicted, we lost in the High Court.

#### **2 Developing meaningful collective bargaining Northumberland College, Kendal College, Sunderland College, City of Bath, Cleveland**

**College of Art & Design, South Cheshire College, Gateshead College, Hartlepool College, South Devon College, Burnley College, Hull College, East Riding College, Redcar and Cleveland College, Sheffield College, Nelson & Colne College, Derwentside College**

Sector conference notes the discussions on developing meaningful collective bargaining in England that started at a special FESC in April 2014.

Conference approves the approach for the 2015 claim as reported to FEC in paper FEC519/14, namely:

1. A national cost of living claim should be submitted to AoC.
2. A national template of the above claim should be made available to branches via their regional offices, with a facility for branches to submit additional items in the claim. For example – pursuing progress towards the recommended national scales or an issue of local importance.
3. Members should be involved in the selection of local issues to be the subject of local 'national plus' claims.
4. National campaigning on pay will continue.
5. Oversight of local negotiations will be as outlined in paragraph 2.8\* of the FEC paper.

\* 2.8 'branches should be consulted on a general framework for providing national oversight, which would include the following elements' (7 in total)

**2A.1 (South Cheshire College, Sunderland College)**

REPLACE POINT 1, INSERT AFTER "should be", "agreed with the other unions for submission to AoC by the end of February. This should include a claim on workload matters."

IN POINT 2, INSERT "a parallel local" BETWEEN "in" AND "claim". Delete "the" before "claim".

IN POINT 5, ADD AT BEGINNING, BEFORE "Oversight", "FEC officers should draft a procedure providing", DELETE "will be" AND INSERT AT END OF SENTENCE, "This will be circulated to branches for approval at the FEC meeting in February".

ADD A NEW POINT 6: "FEC officers will approve the outcome of any parallel local negotiations that provide overall financial benefit for members and/or gain an improvement on a matter submitted in a local claim."

### **3 Composite motion: Pay campaign Croydon College, City and Islington College and Sandwell College**

Conference notes:

1. Our open ballot for strike action which is underway following rejection of the pay offer
2. FEC's Pay campaign policy that this is a long term strategy focusing on maximising impact and publicity of action linking pay and education to include: a national day of strike action; targeted strike action in each region focussing on the highest paid Principals and those colleges that have not implemented any pay offers, supported by twinning and collections in other FE branches; a mass lobby of parliament with another strike on the day and to launch a charter for FE to promote the sector in the run up to the General Election.

Conference believes:

- a. The FEC pay campaign is one that can motivate members to participate in campaigning for decent pay because it combines an educational and industrial strategy.
- b. National strike action is necessary if we are going to be able to develop a strategy of targeted action.

Conference instructs the FEC:

- i. To fully implement the FEC pay campaign policy as outlined in notes 2.
- ii. To retain the national bargaining structure necessary to pursue pay for the long term

### **5 Pay dispute and Collective bargaining Hackney Community College**

This Conference notes that:

1. we have lost over 16% in pay since 2008
2. many college principals have higher than inflation pay rises
3. our workloads are increasing, and expectations are higher than ever
4. in the past, industrial action has resulted in better pay offers
5. National conference and the Further Education Committee has mandated UCU to engage in action over the current 1% pay offer

In this context, we believe that national pay bargaining is essential for this sector. We support the ballot for industrial action and believe that the FEC's strategy for combating low pay in the sector is the way forward.

We also request that officers of the FEC make every effort to:

- a. build for strike action

b. help smaller or weaker FE branches

rather than call another special conference to further discuss an offer that has been repeatedly rejected in the democratic forums of the union.

**6 Defend Conference decisions Doncaster College**

Sector Conference roundly condemns this ill-judged and mistimed attempt to overturn the democratic decision of the FE Sector Conference of May 2014, as it could potentially derail the FE pay ballot. Requisitioning a special sector conference, which wastes the Union's time and money; seeks to undermine the sovereignty of the democracy of conference and presents a divided front to the employer during an FE pay ballot.

We therefore call upon the Special Sector Conference to reject the proposal to overturn the FEC decisions as determined at the last meeting, 17 October 2014.

We call on all union officers not prepared to abide by and carry out the decisions of conference to resign forthwith.

**7 Response to current FEC's industrial action ballot South Tyneside College**

Sector Conference believes that strike action may not always be the most effective way of pursuing our interests and instructs the union to investigate other methods of action, such as working to rule.

# **ANNEXE 1**

**FEC519/14**

**October 2014**

University and College Union

**To Further Education Committee**

**From Michael MacNeil, National Head of Bargaining and Negotiations**

**Agenda item 14**

**For Decision**

**Subject Developing meaningful collective bargaining in England**

## **Summary**

- 1** This report notes the decisions made by FEC on 7 March, the special FESC on 5 April, and sector conference on 29 May 2014. It provides a further iteration of the plan to develop an approach for meaningful collective bargaining in the FE, Adult and Prison sectors. It concludes with recommendations on the next steps.

**Devolution impact** – this report is primarily concerned with the negotiations on behalf of our members in England. It should, however, be noted that it is hoped to expand the bargaining information to cover or branches in Wales and Northern Ireland.

## **RECOMMENDATIONS**

In furtherance of conference policy, FEC is asked to:

- Comment on the report
- Note that discussions with branches have been arranged for list dates and locations

### **1. INTRODUCTION**

1.1 Sector conference approved the report on the development of meaningful collective bargaining in England. The report outlined a phased approach to the introduction of a new approach.

1.2 Phase 1 was concerned with a range of initial steps for the 2014 negotiating round. The manner and timing of developments in relation to the 2014 negotiating round meant that it was not possible to implement those steps.

1.3 It is worth restating the starting point for this exercise. The employers' report that:

- Only a minority of FE colleges in England implement the exact outcome of settlements reached with the AoC;
- Others implement local variations, often with strings;
- Over 30% of colleges do not implement the award;
- 86% are of the opinion that it is useful to have the flexibility that comes with national recommendations providing they have the freedom to conduct local negotiations separately.
- The AoC continue to restrict the range of matters that agreement can be reached on at national level.

1.4 Recent AoC reports on future pay strategy again point to few colleges operate the 8-point scale as recommended at a national level. The areas under active consideration for future developments are:

- How employees progress through the pay scale
- Moving away from automatic increments
- The introduction of competency and performance frameworks and the linking of these to pay systems.

1.5 In April, conference accepted that the current negotiating machinery is failing to deliver meaningful agreements for our members.

1.6 In May, conference noted that the current, so-called 'national bargaining' machinery had become discredited, with the last national campaign that produced some successful outcomes in 2008. Conference noted that while the national arrangements in FE could be considered a form of multi-employer arrangement, it is not clear that the nationally recommended pay spine and annual uplift, even as a minima, is adhered to by sufficient numbers of colleges to make 'national' bargaining more than notional.

1.7 Our effectiveness as an effective bargaining agent on behalf of our members is under question.

**1.8 Conference agreed that there is a need for the UCU to consider a strategic and systematic approach to persuade the employers back to a position where nationally binding agreements look a sensible proposition.**

1.9 It was agreed that not only should we be working to re-establish norms for the 'rate for the job' but we should also be seeking to expand our bargaining agenda.

## **2. PHASE 2: DEVELOPING THE SYSTEMS AND APPROACH**

2.1 Conference agreed that Phase 2 should involve the Bargaining and Negotiations team developing the information systems necessary for careful targeting and valid comparisons, to reach shared understandings, and to develop a tactical approach.

### **BARGAINING INFORMATION SYSTEM**

2.2 Conference acknowledged that improved bargaining information systems were required to allow the union to analyse:

- Colleges finance
- Staffing information, including identifying variance of local scales with the 8-point scale and the national pay spine.

2.3 Over the summer, intensive work has been undertaken to develop such a system and to obtain the data required. The financial data that colleges report has been accessed and a system built to allow easy analysis.

2.4 More problematic was obtaining staffing information. This involved a request under the Freedom of Information Act to each college, initially in England and Wales. Some colleges were extremely reluctant to provide the information requested but dogged pursuit has resulted in our obtaining key data sets for over 70% of colleges in England. This exercise is not complete. Detailed analysis has still to be undertaken but initial findings show that over 11% of staff in 'lecturing type grades are paid below the minimum nationally agreed pay point for lecturing staff. Unsurprisingly, the data shows a tendency for a variation by region.

<b>Region</b>	<b>% paid below the lowest point of the national lecturer scales</b>	<b>% paid with scales (see note)</b>	<b>% paid above the highest point of the national lecturer scales</b>
E&HC	12.4	87.3	0.3
EM	10.2	89.7	0.1
L	4.7	93.0	2.2
N	15.0	85.0	0.0
NW	9.5	90.2	0.4
S	12.0	85.2	2.8
SE	8.6	90.6	0.8
SW	19.2	80.5	0.3
WM	8.9	90.9	0.2
Y&H	12.7	86.6	0.6
<b>England Total</b>	<b>10.7</b>	<b>88.5</b>	<b>0.7</b>

Note – the middle column only indicates the % of lecturers who are paid within the range of the bottom to top salary point in the eight point scale.

2.5 The most likely explanation for the variance against the national scales is that the national awards have, as indicated by the employers' own documentation, not been implemented in a uniform manner. **This is only part of the story. Even with the middle column, we detect considerable bunching around certain salary points, illustrating further that there is a breakdown of meaningful national bargaining.**

#### **NATIONAL OVERSIGHT OF LOCAL DEALS**

2.6 Sector conference agreed to the development of appropriate mechanisms for oversight of outcomes negotiated locally, where these impinge on national policy. It is important that we keep a coherent and co-ordinated national approach; there seems little point in replacing a free-for-all by some employers with a similar approach by our branches.



2.7 However, it is also necessary for the centre to be mindful of the pressures on local branches and the need to ensure that industrial challenges to employers are not empty threats; that they can be delivered.

**2.8 Branches should be consulted on a general framework for providing national oversight, which would include the following elements:**

- a. Local dialogue over pay and reserved matters will involve the regional official;
- b. Parameters for local agreements on reserved matters to be set nationally;
- c. The regional official will be authorised to endorse formally on behalf of the UCU any agreement within those parameters as suitable for agreement by the branch membership;
- d. Such agreements will be reported to the UK centre for record, report and dissemination
- e. Regional officials will be responsible for reporting any circumstances where negotiated outcomes could breach the agreed parameters;
- f. National officials will, where appropriate and practicable, provide negotiating assistance and support in circumstances where potential outcomes could breach those parameters;
- g. National officials will be responsible for referring any draft agreements where potential outcomes could breach agreed parameters to the Chair and Vice-chairs of the FEC, along with recommendations on whether a collective agreement should be approved.

**DEVELOP AND AGREE NATIONAL NEGOTIATING OBJECTIVES**

2.9 Bargaining over the pay of our members has to be a core objective for a trade union. This paper is not suggesting otherwise.

2.10 We should also be mindful of the material conditions confronting our members in their workplaces. The priorities of our members in a particular workplace depend on a number of factors. Branches repeatedly request advice and guidance to help them bargain with employers over a range of issues. The priorities that have emerged from these requests, from debate at conferences, and indeed, from the objectives and priorities set by FEC are:

- Casualisation – dealing with zero-hour contracts
- Performance relate pay, including attacks on incremental progression
- Lesson Observations
- Teaching and assessor roles paid below the accepted lecturer scales
- Job security and dealing with organisational change

2.11 To restate: pay is an issue for our members, but it is increasingly the case that the approach adopted by employers at an institutional level has a greater effect on the money our members take home than the national recommended increase from the negotiations with the AoC.

2.12 It is becoming increasingly clear that local settlements are being reached without reference to the wider union.

**TARGET LOCAL INSTITUTIONS FAILING TO PAY THE 'AGREED' NATIONAL NORMS**

2.13 We now have the ability to identify which institutions are failing to pay the national norms.

2.14 Part of the agreed new approach is to enable branches to elect to be a target for claims that would start the process of re-establishing pay norms. This is likely to involve a series of negotiated improvements.

2.15 Realistically, to provide sufficient support to those branches, initially there should only be one target per region. The UK centre can assist with the provision of financial and staffing information but regional officials need to be closely involved in the selection of the

target institution, using their knowledge of local circumstances, including levels of branch organisation.

### **DEVELOP AN APPROACH TO TAKE ACCOUNT OF SINGLE-TABLE BARGAINING**

2.16 In the near future, there will need to be a discussion with UNISON, in particular, about the merit in adopting a different approach. However, while we should strive for a common position, we need to recognise the different levels of importance that bargaining for FE, Adult and Prisons staff has for our respective unions. We cannot afford to delay a strategy to rebuild collective bargaining for this union in the FE, Adult and Prison sector.

### **3. PHASE 3: IMPLEMENTING THE NEW APPROACH**

3.1 In FE, there is the pretence of national bargaining. In the current climate, the AoC could offer a 10% increase but it would not make any difference to our members because no college would-one would implement the award.

3.2 This does not mean we cannot rebuild collective bargaining in FE. We can move from the defensive to offensive buy starting to put our items on bargaining agenda. By doing so, and by showing members that we can make progress on issues of concerns, we can build our capacity to bargain in branches and our members' confidence to put pressure on the employers at all levels.

#### **3.3 Branches should be consulted on the following approach for the 2015 claim:**

- 1) A national claim to be submitted to AoC. This should include the usual cost of living claim. As ever, the intention should be to agree a joint claim with the other unions, if possible.
- 2) A national template for the above claim should be made available to branches via their regional offices. The template will enable branches to submit the same cost of living increase for uplift to the local pay points. Additionally, the template will enable branches to submit additional items in the claim. This could include references to the local pay scales to pursue progress towards the recommended national scales or to select an issue of local importance. It is suggested that this should be from one of the priority issues already identified and listed in paragraph 2.10 above.
- 3) Members should be involved in the selection of local issues to be the subject of local 'national plus' claims.
- 4) National campaigning on pay will continue
- 5) Oversight of local negotiations will be as outlined in paragraph xxx of this paper.

### **4. BRANCH CONSULTATION**

4.1 Sector conference agreed that a further report should be made to branches in the autumn.

FEC is asked to note that arrangements for meetings to consult branches on the approach developed to date have been arranged as follows:

Fri 21 November (Darlington)

Thu 27 November (Birmingham)

Fri 28 November (Manchester)

Thu 4 December (London)

4.2 In most of these locations, these briefings will be followed by briefings arranged on professional issues with the Education and Training Foundation. This is likely to encourage a good attendance and is a sensible deployment of limited time and resources.

## **ANNEXE 2**

**FEC530/14**

**October 2014**

### University and College Union

**To**                **Further Education Committee**  
**From**            **Richard McEwan**  
**For**                **Decision**  
**Subject**        **Motion on Pay**

#### FEC Notes:

- 1) The AoC were awarded an injunction by the High Court to block our members taking strike action in defence of pay. The injunction was initiated by a national AoC pay negotiator, the Principal of Westminster Kingsway College.
- 2) The health strikes, where the Royal College of Midwives struck for the first time, and those by civil servants this week as part of a week of action on pay.
- 3) The TUC demonstration on Saturday the 18<sup>th</sup> of September 'Britain needs a pay rise.'

#### FEC Believes:

- 1) This a cowardly attack on our right to defend our living standards, from those who enjoy the very highest salaries in the country. The AoC have done nothing to defend the sector and our pay, they are watching adult education be destroyed and presiding over a lost generation of young people without work, debt ridden with no hope for the future. Now instead of standing up to this Government, the AoC have used the anti-trade unions laws against us, taking their script from the Tories.
- 2) It is regrettable that the AoC did not take up our calls to work with us to defend Further and Adult Education funding in an election year including with a joint lobby of parliament.
- 3) Attacks on pay go hand in hand with attacks on funding, conditions and jobs. Pay is an issue for our members one that can unite us all in national action and put FE on the map in an election year.
- 4) Members want a strategy to win, and to see the union support them with a vigorous campaign to mobilise our membership.

#### FEC Resolves:

- 1) to organize an immediate re-ballot on pay with a strong recommendation to vote yes to action in November.

2) pursue a strategy to win on pay:

- a national strike to launch the campaign as soon as possible with a lobby of the AoC,
- followed by targeted strikes (at least two per region) focusing on the highest paid principals,
- this will be backed by solidarity twinning and days of action,
- then a national strike with a mass lobby of parliament to defend pay and education early in the new year.

3) There will be a determined campaign to win support for the ballot and for action, this will include:

- leaflets, stickers and posters delivered in advance of the ballot calling for YES vote.
- in advance of strikes there will be leaflets, stickers and posters.
- biweekly messages from the General Secretary direct to members to win support for the ballot and action.
- regional briefing and cluster meetings to build the campaign and raise up the smaller branches.
- recruitment drive in every region to win new members and reps.
- national executive members and officers will visit branches in need of support.
- reps will be supplied with briefings and FAQs to arm them with the facts and arguments.

4) where we can we should coordinate with other unions, and with the HE pensions strikes to maximize our impact.

5) To call on every member to attend the TUC demonstration.