

HIGHER EDUCATION ROLE ANALYSIS (HERA)

UNISON ADVICE ON IMPLEMENTATION

1. INTRODUCTION

This guidance is intended for use in institutions where HERA will be introduced. It should be read alongside the joint implementation guidance.

Why HERA?

HERA has been developed specifically for the higher education sector. Over the next two years, the Higher Education Funding Council for England (HEFCE) is providing additional funding for those institutions that have adopted a human resource strategy on equal opportunities that includes a commitment to equal pay for work of equal value. This means the vast majority, if not all, institutions and gives the introduction of job evaluation a new momentum.

UNISON supports the introduction of analytic job evaluation throughout higher education both because it is the best way to achieve equal pay and because it will bring full harmonisation of pay and conditions considerably closer. UNISON believes that HERA is the best scheme for the sector since it was specifically developed for higher education and is the only scheme that covers the full range of jobs within higher education institutions.

Therefore this is the scheme UNISON is recommending.

What if an institution is adopting a different scheme?

If institutions are thinking of introducing a different scheme branches should make the case for HERA (having contacted their Regional Officer for advice if they are unsure how to go about this). If another job evaluation scheme is imposed, the same principles for implementation apply as are described below and branches should argue for their institution to adopt them.

What if there is already a job evaluation scheme?

A number of institutions already have job evaluation schemes in place which cover certain groups of staff. No institution, however, has a scheme in place which covers all staff. Therefore, if an institution already uses a job evaluation scheme for some groups of staff, arguments for the need to introduce a scheme which covers all staff should be made to employers. A

strong case should be made for HERA as the best scheme for evaluating all staff in higher education.

Who is covered by HERA?

Ideally, institutions should do an evaluation of all staff as one exercise since only this will, in the long run, lead to equal pay and harmonisation of terms and conditions. However, some institutions may wish to do the exercise in stages. While branches should press for across the board implementation as a matter of principle, phased introduction over a period of time, whilst not ideal, would be acceptable. A commitment to full introduction is desirable but a refusal to make such a commitment should not be seen by branches as a reason to boycott the scheme. If an institution only introduces job evaluation for some groups of staff, branches will still be able to take equal value cases between staff covered by HERA and those that are not.

2. EQUALITIES ISSUES

The Bett Report identified pay inequality in higher education and recommended the introduction of job evaluation in order to address this. HERA has been designed to be free from gender bias and discrimination on the grounds of race, sexuality, religious belief, age and disability. However, how any job evaluation scheme is introduced is as important for avoiding discrimination as the nature of the scheme itself. The following issues are particularly susceptible to bias:

- how information is gathered from role holders for evaluation
- the selection of roles for evaluation
- preconceptions about the status and worth of individual roles
- the relationship between evaluation scores and grading/rates of pay

Therefore these points need to be included in a joint agreement on implementation.

Employer and union representatives need to be aware at the outset that avoiding sex bias in evaluating roles will mean that existing relativities are challenged and may be altered. Unions and employers need to develop a strategy to tackle this issue and, in particular, to bring staff to an acceptance of this.

Employers and the unions need to communicate regularly with all staff to be covered by HERA. Thought will need to be given to how this will be done in the case of, for example, employees absent on maternity leave (and other approved long-term leave including sick leave); part-time employees and job-sharers, those working non-standard hours and employees who work away from main buildings.

Where a reasonable adjustment is made to a job under the provisions of the Disability Discrimination Act 1995 (DDA), the analysis should generally follow the principle of evaluating the role, not the roleholder. For example, where a reasonable adjustment involves the disabled roleholder using technology that the post would not otherwise require or the re-allocation of minor or subsidiary duties to another employee, these modifications should not affect the evaluation of the role. Where, however, major adjustments are made to the duties of a post, beyond what would be deemed "reasonable adjustments", in order to enable a disabled person to take or stay in the job, and which substantially alter the job, the role should be re-evaluated as a "changed" role. Guidance and examples of "reasonable adjustment" are provided in the "Code of Practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability".

The introduction of an analytical job evaluation scheme is not the only step necessary to achieve equal pay. Equal pay reviews are a complementary and necessary tool and branches should refer to the joint guidance agreed in March of this year (HE/13/02).

3. PARTNERSHIP WITH TRADE UNIONS

The agreement on Role Analysis and Job Evaluation: Guidance for Higher Education Institutions, reached in March 2002, says: "The Universities and Colleges Employers Association (UCEA) and the nationally recognised HE trades unions recommend that higher education institutions enter into the process of role analysis and job evaluation in partnership with their recognised trades unions." Branches need to remind management of the dangers of trying to simply impose job evaluation on staff and that job evaluation gains maximum acceptance in the workplace when it is "owned" by both the employer and the employees.

UNISON believes that branches will best serve their members by becoming fully involved in the introduction of job evaluation in their institution. It would also be helpful if branches whose institutions were actually in the process of introducing job evaluation were to identify/nominate a "key JE contact" who should be centrally involved in and

leading the branch's work around JE and who would be the primary point of contact between the branch and the rest of the union.

4. IMPLEMENTATION FRAMEWORK

Having made the decision to use HERA, responsibility for its implementation should be given to a joint steering group. It is important to reach an agreement covering at least the following points. A number of these issues are discussed in more detail below and, since the ability of the trade union to exert pressure on management will decline as the evaluation proceeds, agreement should be reached on all these points **before** implementation starts:

- the composition and role of the steering group which oversees the process (equal representation on a steering group with full delegated authority over the introduction of the scheme would be UNISON's preference)
- the ways in which HERA and its implementation will be communicated to employees (including named union and employer contacts) and the training which needs to be provided (see paragraph 5)
- the principles determining the number and nature of the roles that are to be selected for analysis and the rights of those staff whose role is not selected (see paragraphs 7 and 10)
- which staff groups will be covered by the scheme (see paragraph 1)
- the number of analysts and the proportion of them that will be trade union nominees (see paragraph 6)
- the time-off arrangements for members of the steering group, for trade union nominated role analysts and for others involved in the introduction of the scheme (see paragraph 6)
- the funding of the initial evaluation process (ie the cost of covering for analysts, paying outside consultants, etc)
- the overall timescales for the evaluation process
- a commitment to base the future grading structure on the national pay spine (see paragraph 12)
- a framework for determining the new pay scales, including a minimum total paybill immediately following the introduction of the scheme or a

mechanism for jointly agreeing the salaries of certain key roles (see paragraph 12)

- an implementation date and a mechanism for dealing with regrading cases between now and then
- the assimilation of career grades into the scheme
- limitations on the use of market supplements
- the arrangements for the protection of those staff whose posts are down-graded by the scheme (see paragraph 12)
- the appeals process, including any limitations on when an individual can request their post to be re-evaluated (ideally none, but at least once a year) (see paragraph 11)
- the nature of and a timetable for a future review of the scheme as a whole
- the arrangements for monitoring the work of the role analysts and the evaluation panels

The union, through the steering group, should have access to all data, including the records of evidence and the scoring data for all posts evaluated and to all the functions of the related software (including the pay analysis functions)

5. COMMUNICATION & TRAINING

Communication

Formal communication with staff should be under joint control. The project must be seen as a joint exercise and the communication and training must reflect this. Progress on implementing the scheme should be reported on a regular basis

- to those whose roles will be/have been analysed
- to the verifiers
- to staff in general

UNISON also needs to maintain its own communication to reps and members (through branch newsletters, special bulletins, etc.). This will be a good time for recruitment and branches should not miss the chance to build their membership and organisation amongst all the groups of staff

where we traditionally recruit and among all the non-teaching groups that will be covered by the scheme.

Training

In addition to wide communication about the introduction of the scheme, it is essential that proper training is provided to, and undertaken by, all the members of the steering group and any others directly involved in role analysis, evaluation and/or appeals.

UNISON provides a two-day course on organising principles around job evaluation/role analysis with specific reference to the HERA scheme. This should be attended by anybody who will be involved either in negotiating around HERA, or as a member of the steering committee or as a role analyst. If at all possible, this should occur before the joint training on HERA itself. The course is available as part of the education programme within each region but can be organised on request from branches if sufficient numbers can be arranged.

6. SELECTION AND TRAINING OF ROLE ANALYSTS

The principles

- UNISON believes, ideally, 50% of role analysts (RAs) should be union activists.
- The introduction of HERA (as with any other job evaluation scheme) is time consuming. Therefore additional time off with full cover for those actively involved is crucial. Partial or full secondment would be the only realistic option.
- The experience of the pilot and trials has shown that each RA has to evaluate a fair number of roles to gain experience. Therefore the number of RAs should be restricted to enable this and to achieve consistency.

Who can be an analyst?

Whilst role analysis is a skilled job which requires specific skills, training will be provided and UNISON encourages members to come forward for training. There is a separate document which sets out the requirements for RAs. Nothing should stop existing activists from volunteering as an RA, but branches should also encourage other members to come forward. This might well be a way of developing new expertise for the branch and creating new future activists.

Before getting training in HERA, an RA must have received equal opportunities and interview skills training. For those who have not already received this training through UNISON or elsewhere, it will be provided by the employers.

What about trade union representation?

Trade union nominated RAs, whilst retaining their trade union values and perspectives, need to be seen to be advocates of the scheme as a whole and committed to its integrity. Therefore they cannot represent any individual in relation to their evaluation (although they can continue to represent them on any other issues). Consequently branches will need to ensure that there are sufficient activists not acting as RAs to represent individual members in relation to the scheme.

7. DATA COLLECTION

What is a role?

A role is one or more posts carrying out the same or a very similar function. Some roles may only contain one post (eg Vice-Chancellor or Head Caretaker) while others may at least appear to contain many. A receptionist is obviously a separate role from a porter but even where a post title suggests similarity, such as 'secretary', there may be huge variations in the actual work done and consequently more than one role. Equally, a cleaner working in student residential halls is likely to have different responsibilities, and hence potentially a different role, from an office cleaner.

Therefore great care must be taken when deciding which posts can be grouped into which role. If there is any doubt about whether two posts are the same role or not, it is better to evaluate both posts and see what the differences are than to assume they are similar and only evaluate one. Alternatively, branches should ensure that any individual who believes that their post does not fit the role to which it has been allocated should have the right to have their post specifically evaluated.

How should roles be evaluated?

HERA is designed to analyse roles, rather than posts. UNISON believes that all roles should be evaluated by means of an individual interview except where there are a number of postholders doing the same or a very similar role, in which case a facilitated group interview would be preferable.

UNISON does not believe that the the desktop form is a satisfactory tool for evaluation because it leaves the employee struggling to ensure that all the relevant information is included, in the absence of the guidance and expertise that a trained role analyst would provide.

8. VERIFICATION

For a role analysis to be fair, there needs to be agreement between the role holder and their line manager about the role content (ie about the nature of the duties and responsibilities of the job). It will therefore be necessary to set up a verification process so that the evidence collected through interview is verified by a line manager or designated person before it can be scored.

If there is a disagreement about the role content, say between role holder and their line manager, which cannot be resolved between those two people, there will need to be a local mechanism to resolve it. A suggested local mechanism is a four-way meeting between the line manager, the role holder, their union rep and someone from the Personnel Department. If this approach fails to resolve the disagreement the formal grievance procedure should be used.

9. SCORING

All scoring must be done by analysts. It is good practice for each role to be scored (although not interviewed) by more than one analyst. If there are any differences that the two analysts cannot resolve the problem should be brought to the RA group as a whole so that a common approach and understanding can be developed. For this reason the group should work together in different combinations rather than the same pairs of analysts always working together.

Disagreements between RAs should not normally be seen as disputes but as one way of clarifying local circumstances. The outcomes of these differences will form an important part of the local additions to the national Notes of Guidance.

10. SELECTING ROLES

Benchmarking

Many institutions will evaluate every role. However, primarily for reasons of time/cost, some may wish to properly evaluate only a sample of roles

(known as the “benchmark” roles) and then determine a score for the remaining roles based on their perceived relationship to the benchmark roles. UNISON believes that branches should press for all roles to be properly evaluated since that is the fairest approach and the one most likely to result in equal pay.

If a benchmarking process is used great care must be taken to ensure that the roles chosen are representative of the workforce as a whole and that sex and race bias is avoided in the selection and evaluation process. This first round of roles should be representative of the spread of roles in the institution and should cover the main occupational groups, as well as smaller groups with rarer characteristics. The roles selected should reflect a gender balance and a mix of part-time/full-time posts.

If benchmarking is used an agreement needs to be reached which allows any individual who so wishes to have their role evaluated.

11. FEEDBACK AND APPEALS

Transparency

UNISON believes that each individual evaluated has a right to see their own score (under the provisions of the Data Protection Act 1998 and the associated Code of Practice 2002, if for no other reason).

Appeals

Each institution will need to agree a procedure that provides a means for any individual to appeal against the evaluation that is applied to their post. Individuals must have the right to appeal if for any reason they disagree with their grading as a result of role analysis. Any appeal can only be against the evaluation by the RA since any difference about the content of the role must have been resolved before scoring the role.

The procedure should cover the following points:

- Post holders should be given a time period in which an appeal should be made and a clear statement of who any appeal should be submitted to
- Appeals should be submitted in writing giving the reasons for the appeal
- Appeals should be decided by at least two people (ie not by a single individual)

- Appellants should have the right to appear before the body that will be deciding the appeal, to be represented there by a trade union rep or friend, to hear/see all the evidence that will be considered when determining the appeal, to question anyone who submitted any such evidence, and to challenge/respond to that evidence
- It may be advisable for the procedure to include an informal, initial stage so that HR and TU reps can meet with the appellant to discuss the evaluation results, and to confirm whether the grounds for appeal relate specifically to the role analysis (rather than, for example, a pay grievance).

Branches should agree with management what the most suitable body is for determining appeals. This will vary according to local practice. However, all the appeal panel members must be trained in role analysis and have knowledge of HERA.

12. FITTING THE RANK ORDER TO A GRADING STRUCTURE

The implications of role analysis

HERA does not determine actual pay; i.e. points are not directly converted into pounds. Neither does it take into account external market rates.

The outcome of HERA is a rank order of roles each with its own evaluated points score. The usual approach is to divide this rank order into a number of points ranges. Any role with an evaluation score within a given range of points is allocated to that range. The number of ranges, the sizes of the ranges and the boundaries between ranges is a matter of choice and negotiation at each institution.

Each range is then attached to a pay grade. Again, the number, the lengths and the boundaries of the pay grades will need to be determined for each institution through the normal bargaining processes.

The implications for grade and pay structures

The outcome of a full 'across-the-board' role analysis is that any role with a score which places it in a particular range should be on the same pay grade (and subject to the same rules for pay progression and, normally, other contractual terms and conditions) as any other role placed in the same grade on the basis of its score.

Currently, a new single pay spine is being developed at national level. Any new grading structure should be based on that spine or a commitment given to move to the new pay spine, once it is fully developed. Branches should also argue for institutions to make a commitment to adopt the national grades that are being developed. However, if they are unable to achieve this, branches should ensure that any local grading scheme meets the following minimum principles:

- no spot points (ie no single point grades)
- all grades to be either 3 or 4 points long
- all grades to be “butt-ended” (ie with no overlaps and no gaps)
- all grades to have the automatic right to progress up them by means of annual increments

Terms and conditions

Carrying out role analysis across several bargaining groups will require the harmonisation of terms and conditions for those staff. Clearly, harmonisation with academic staff will be more complicated, but in all other cases the principle of adopting the best practice for each element of the conditions of service should be applied.

Protection Policy

Whether institutions adopt a new approach to grading or slot evaluated roles into their existing grading structure, they will need to consider pay protection arrangements. It is advisable to agree protection principles with trade union representatives at the start of the exercise.

The general principle is that no-one’s pay should be reduced because of role analysis. But consideration has to be given to the extent to which protection should be provided for future pay increments. Indefinite protection arrangements may breach equality requirements, if they apply predominately to one gender or one ethnic group. The usual arrangement is for a time limit to be agreed on the duration of such automatic protection. UNISON advises that the protection arrangements be reviewed after four years as part of a general equal pay audit and any equality issues that are revealed should then be addressed as a whole.

The need for transparency in pay means that individual employees and trade unions should be fully aware of the methods used to determine gradings and relate them to pay. Having a joint approach to both grading and pay reviews involving the union would keep problems related to transparency to a minimum.

13. WEIGHTINGS

UNISON is absolutely clear that the nationally recommended weightings should be used. Branches should respond to any attempt by their institution to vary these weightings in the same way as it would to an attempt to introduce a non-HERA job evaluation scheme. In such circumstances the branch should contact the National Office.

14. Assistance and Contacts

If you need any further advice or support, Branch Secretaries and the “key JE contact” should contact your Regional Officer, your Regional Head of HE or the National Office.