



Higher Education Joint Union's Claim 2021/22

Heads of Claim

- A pay uplift of £2,500 on all pay points;
- An increase in all pay related allowances including London weighting;
- A minimum of £10 per hour wage for all contract types (In London, where the Living Wage rate will be £10.85 per hour, this should be relevant minimum.);
- For all universities to become Living Wage Foundation accredited employers ensuring that outsourced workers receive, at least, the Living Wage Foundation rate of pay;
- A maximum sector wide pay ratio of 10:1 which is not limited to the national pay spine (i.e. covers all employees including staff on senior pay rates);
- Additional uplift at the lower end of the pay spine to address pay compression; aiming to restore the 3% differential between pay spinal column points over the next three years;
- For the standard weekly full-time contract of employment to be 35 hours per week at all higher education institutions;
- New JNCHES to establish working group/s to look at career development, progression issues and training opportunities in higher education;
- Ending pay injustice – meaningful, agreed action to tackle the ethnic, gender and disability pay gap; additionally, to take an intersectional approach to the ways in which intersectionality and protected characteristics impact on pay equality;
- Agreeing a framework to eliminate precarious employment practises and casualised contracts, including zero hours contracts, from higher education; converting hourly paid staff onto fractional contracts; agreeing national guidance to end the outsourcing of support services in higher education and to bring staff into in-house employment;
- Meaningful, agreed action to address excessive workloads and unpaid work; action to address the impact that excessive workloads are having on workforce stress and mental ill-health; that workload models and planning take into account COVID pandemic related changes in working practices;
- To establish the Scottish sub-committee of New JNCHES as set out under the New JNCHES agreement;
- A UK level higher education redeployment facility for those whose jobs are at risk of redundancy.

COVID, and the unprecedented challenges it has created, continues to dominate how the sector and all those who work and study in it, have dealt with the last twelve months. Very few sectors in the UK have fared as well as higher education. HE remains a real success story despite the very serious and varied challenges of COVID. The attractiveness of HE has not diminished. UK HE is a continuing success story and that success is a testament to the dedication, professionalism and flexibility of the staff that work in many varied and important roles supporting students and learners in reaching their potential.

The zero % pay offer made by employers in the 2020/21 New JNCHES round was hugely disappointing for staff. All unions rejected it, large numbers of members felt insulted by it. Many felt that New JNCHES is failing in its primary responsibility regarding pay in the sector. This is a concerning development for a national agreement that is held up as an example of good practice. It's time for New JNCHES to deliver for staff in the same way staff have delivered for the sector.

This joint trade union claim is submitted against a backdrop of yet another dispute on pay and related matters in higher education. This is the sixth dispute in the last seven years.

It is the collective view of the trade unions that we need New JNCHES to deliver for all staff in the sector and that the pay offer needs to address a number of important issues that impact on members' daily lives. This jointly agreed trade union pay and equality claim is a claim for all staff in higher education. Our claim is timely and serious and argues the case that all staff deserve a decent pay rise that both keeps up with the increasing cost of living as well as catching up with pay lost over the past ten years. Whether HE staff work in pre- or post-1992 universities, the contribution of all staff should be properly recognised and rewarded and their collective contribution to higher education should result in net pay rises not pay decline.

The unions believe that reaching an agreement on this claim will start to address falling standards of living, pay equality, precarious employment and increasing workloads. All of these are issues in our claim that need to be addressed and we challenge UCEA to be bold in responding to each of them and employers invest in their staff.

This claim has the support of the five trade unions and is designed to set out a framework for positive dialogue on ways in which a number of employment-related and equality matters can be addressed. These elements have been included as the unions still strongly believe that jointly addressing these elements of the claim will bring benefits to our members' working lives as well as to higher education institutions.

Universities rely on the goodwill of all employees and no more so in the last twelve months. Staff regularly work in excess of their contracted hours and have done so without an increase in their pay. The pandemic has highlighted just how much employers have needed this additional extra contractual commitment from their staff. It's now time for that commitment to be rewarded.

The joint unions are now challenging universities to address pay that has significantly fallen behind inflation, to address the gender, ethnic and disability pay gaps, precarious working practices, significant increases in workload and the growing divergence between nations. The unions are also calling for a national framework agreement that will deliver parity between institutions to ensure that the full-time contract used by all universities is based on a 35 hour working week as standard (pro-rata accordingly for part-time employees).

We believe that there would be merit in individuals and institutions having a degree of certainty around financial and workforce planning at a time when much else is uncertain. An early settlement would achieve this.

Background

The joint trade unions acknowledge there is uncertainty facing the sector. Our claim is a reasonable one in this context. We also know that the demand for HE continues to be high and that increasing numbers of school leavers are applying to study in higher education every year and that UK undergraduate demand is projected to increase significantly in coming years.

Employers cite uncertainty as a key variable in their financial caution in relation to a pay offer. And whilst these uncertainties have existed for some time they have not led to significant caution and/or restraint in relation to university expenditure on capital investment and senior leadership pay in previous years. It's important to bear in mind that the pay offer in 2020/21 for all HE staff was zero, yet another pay cut when considered against all measures of inflation.

The joint unions believe that meeting the claim in full will start the process of eliminating the losses in pay due to sub-inflationary increases over the past eleven years.

New JNCHES negotiations can and should result in decent pay increases and not real terms decline. The trade union side want national bargaining to be undertaken in good faith, to be productive and effective. However, for the bargaining process to work and for trust to be rebuilt in this process, it needs to result in outcomes that recognise the real value of the contribution of staff. A pay offer that does not deliver this message raises concerns about the effectiveness of New JNCHES. It also leads to inevitable rejection, and often to a dispute, which does members, employers and the sector avoidable harm.

Annual Pay Uplift

The trade unions are seeking a positive response from the employers to our claim at the first New JNCHES meeting on 31 March 2021. We are seeking an increase to the pay spine that addresses the following issues for 2021/22:

The value of members' pay has declined and continues to fall. Since 2009, the cumulative loss to pay (compared to rises in RPI) is 17.6%.

It is the trade union side's view that these, and future, negotiations should start from the basis that existing salaries will at least be increased by the RPI as the opening position and will thus keep up with rising prices.

The joint unions are requesting that the pay offer is set out as both an uplift amount and that this is also expressed in terms of the change to hourly rates of pay.

The trade unions view is that the pay of the highest and lowest in the sector should be based on a ratio of 10:1.

The joint trade unions could consider a multi-year settlement if an appropriate offer was made. Any such settlement would need to be pegged to RPI and annually reviewed and adjusted to ensure its value remained consistent throughout its duration.

The urgent need for a decent and meaningful pay rise is articulated best by those working in universities.

In response to Unite's 2020 pay survey, one staff member commented "Food costs have increased, and I have been working from home since March 2020 thus my electric and heating bills are higher. But I am stuck at the top of a Clerical Officer salary which isn't very much, and I haven't had any salary increase in so long. To be honest I am beginning to feel

a little bit desperate that I may not be able to continue paying all my bills. Some days I eat breakfast cereal for dinner because things are so financially hard. It's so difficult being a single person on a low wage - I actually feel like a poor university student again. Ironically most students in the university I work for seem to be able to afford nice accommodation, have their own cars and go on foreign holidays - I struggle to make ends meet and to feed myself at times. It's actually really embarrassing".

One comments amongst many from UNISON's 2021 HE survey showing the impact of low pay is as follows: *"I have one wage to support myself and a disabled partner... without the expected cost of living rise from the university there will be even less spare cash when campus working resumes, especially as my bills HAVE increased by cost of living".*

This section of the pay claim comes under section 6, first bullet point of the New JNCHES Agreement, 26 March 2013.

Headline pay uplift

The joint unions are calling for a pay rise of £2,500 for all staff covered by the national 48 point pay spine.

Low Pay and the Living Wage

Ensuring that the Living Wage Foundation (LWF) rates are paid to all on campus, to directly employed staff and to those employed by contractors and arms-length bodies, makes sense. It makes sense for the individual employees – lifting them and their families out of poverty pay - and it makes sense for the employer. It makes sense for the local community and economy and helps universities to deliver on their civic commitments. According to a survey by the Living Wage Foundation 86% of businesses who sign up to the LWF say that it has improved the reputation of their business, 75% say that it has improved motivation and retention rates, and 93% of university students want to work for living wage accredited employers.

According to UNISON's 2021 survey there were at least 6,000 staff employed directly by universities earning below the Foundation Living Wage

There are currently 47 accredited FLW universities within national pay bargaining, still leaving just under two thirds of universities yet to sign up.

The LWF rate is currently £9.50 per hour (outside London; and £10.85 in London) as announced in November 2020 and implemented from April 2021. Currently the lowest national HE pay point, SCP3 on the national higher education pay spine, has an hourly rate of just £8.70 for those on a 37 hour contract and £8.94 for those on a 36 hour weekly contract. In fact, it is not until SCP 8 that all employees working in an HEI will receive at least the Living Wage Foundation rate, as those on a 37 hour per week contract have an hourly rate that is only just above the Living Wage threshold (SCP 8, 37 hour week earn £9.53). Thus, significant progress needs to be made to address poverty pay in the offer for 2021/22 on all of the lower pay points.

The joint unions are calling for £2,500 to be the minimum pay rise for all staff employed by universities, this would mean a pay rise that ensures that those on a 37 hour per week contract on SCP 3 would be paid at least £10.00 per hour. The unions believe that this is an entirely fair and reasonable, and represents the minimum that HE employers should do to address poverty pay in the sector.

As cited last year, our current prime minister stated "...I was very proud that when I was running London we massively expanded the (Foundation) Living Wage, and we made sure that it was paid not just by the GLA bodies, but by their contractors as well. And that is what we should be doing.". This claim calls on UCEA to follow the example set by Boris Johnson and to ensure that HEIs and contractors operating in HE all pay their staff at least the Living Wage Foundation rates.

The sector urgently needs to address what is now poverty pay for those on the lower pay points. These are the very staff whom universities have relied on so heavily to deliver services during the pandemic – the cleaners, caterers, library shelves and many more – who continued to coming onto campus and into halls at the height of the pandemic. To not give these staff, and all higher education staff, a decent pay rise would be a matter of shame for the sector. Universities are key employers in our communities and important institutions. Our members are proud to work for their university and their pay should reflect the pride that universities have in their staff.

Loss in the value of pay

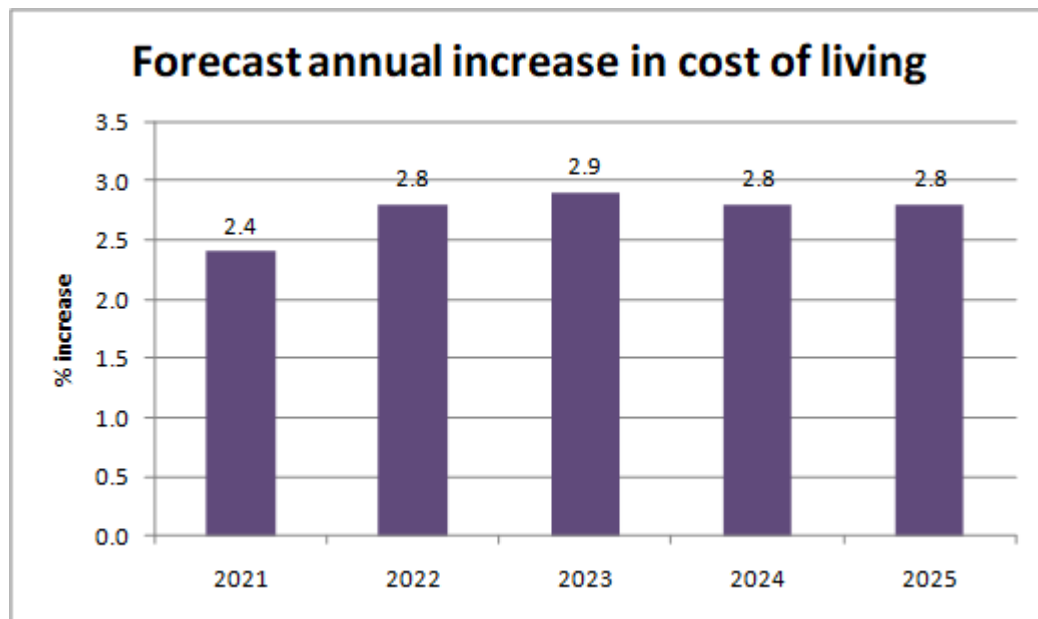
The loss in value of pay has resulted in HE staff having less disposable income and facing increasing financial difficulties. From a 2009 baseline, pay awards in higher education have resulted in a cumulative increase of 13% over the past 11 years. In the same time period, the RPI index has increased by 37.3%. The impact of the cost of living rising so much faster than HE pay is that higher education staff have seen the value of their pay decline by 17.6 % since 2009. UCEA's own report from a couple of years ago 'Real Wage Changes on the New JNCHES Pay Spine' demonstrates that staff pay had declined by up to 10.5% from a baseline year of 2008/09 or 9.5% from a baseline year of 2009/10 when measured against CPI – UCEA's preferred indicator. Clearly the situation has deteriorated since then. The UCEA research concurs with the unions that this is significantly higher when compared against RPI. Given the agreement that there has been a significant real-term drop in the value of pay the unions believe that meeting the claim this year will meaningfully start the process of catch up and keep up in regards to pay.

Year	RPI annual change %	RPI Indexed % change	Pay settlement %	Pay settlement Indexed % change	CPI All Items annual % change	CPI indexed % change
2009	-0.5	100.0	Baseline	100.0	2.2	100.0
2010	4.6	104.6	0.4	100.4	3.3	103.3
2011	5.2	110.0	0.3	100.7	4.5	107.9
2012	3.2	113.6	1	101.7	2.8	111.0
2013	3	117.0	1	102.7	2.6	113.9
2014	2.4	119.8	2	104.8	1.5	115.6
2015	1	121.0	1	105.8	0	115.6
2016	1.8	123.1	1.1	107.0	0.7	116.4
2017	3.6	127.6	1.7	108.8	2.7	119.5
2018	3.3	131.8	2	111.0	2.5	122.5
2019	2.6	135.2	1.8	113.0	1.8	124.7
2020	1.5	137.3	0	113.0	0.9	125.8

Predicted increase in cost of living facing staff

The most recent inflation figures published showed that RPI stood at 1.4% in February 2021.

The graph below is the summary by HM treasury of independent forecasts, February 2021



Loss of competitiveness in HE wages

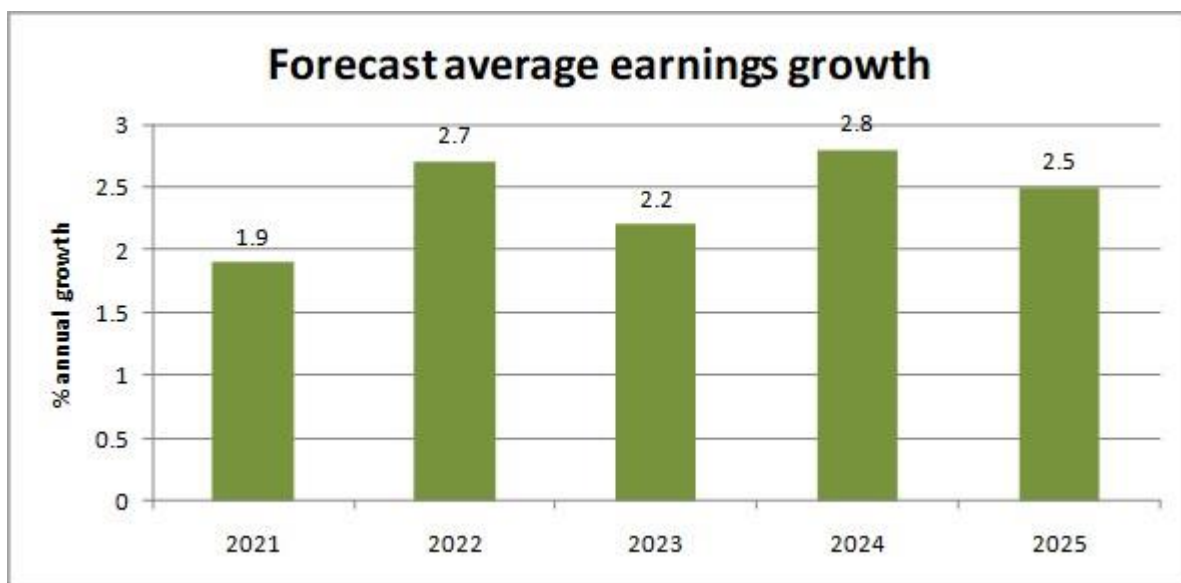
Average pay settlements across the UK economy have been running at 2.25% in the previous year to March 2021 with settlements in the private sector running at 2.1% and in the public sector at 2.75%.

Even setting aside those settlements reached before the pandemic or in the month of April, when many settlements may not have fully adjusted to the new economic circumstances, pay settlements have still been running at the 2% mark.

Increases in average earnings in the three months to December 2020 were 4.7% across the whole economy and ran at 4.3% in the public sector.

The latest OBR forecast from March 2021 shows that average earning growth is expected to rise by 1.9% in 2021 and 2.7% in 2022. The Bank of England's February 2021 monetary policy report states that employers expect pay settlements to run at 2.2% over 2021.

As stated below, the OBR's latest report in March 2021 predicts wage growth of 1.9% for 2021, then climbing to 2.7% by 2022.



March 2021 OBR Economic and Fiscal Outlook figures

The cumulative effect of years of HE pay settlements falling well below that seen across the economy as a whole, is set out in the table below. Whereas average pay has seen settlements lift pay by 28.7% between 2009 and 2020, HE pay settlements have delivered total growth of just 13% in 11 years.

Year	Average pay settlement across economy	Cumulative increase in value of average settlement	HE pay settlement %	Cumulative increase in value of HE pay settlement
2010	2.0	102.0	0.4	100.4
2011	2.5	104.6	0.3	100.7
2012	2.5	107.2	1	101.7
2013	2.5	109.8	1	102.7
2014	2.5	112.6	2	104.8
2015	2.2	115.1	1	105.8
2016	2.0	117.4	1.1	107.0
2017	2.0	119.7	1.7	108.8
2018	2.5	122.7	2	111.0
2019	2.5	125.8	1.8	113.0
2020	2.3	128.7	0	113.0

That means that the relative value of HE pay has declined against the UK average since 2009 by 12.2%. This represents a substantial decline in the competitiveness of HE wages on the labour market and a long-term danger to the ability of HE to attract and retain high quality staff.

The median pay award in the three months to the end of December 2020 stands at 2% (XpertHR- sample of 34 pay awards). Over all of 2020, the median pay increase was also 2% (XpertHR). The median pay award for the three months to December 2020 stood at 2.5% (Incomes Data Research).

Loss of value at key spine points

Roles & approx. HE spine point	2019 salary (2018+ imposed 1.8%)	Fall in real value of annual pay (2009-2019)
Junior researcher (22-29)/professional services	£26,715 - £32,816	£5,744 - £7,055
Researcher/Junior Lecturer (30-35)	£33,797 - £39,152	£7,266 - £8,418
Senior/Principal (post-92) Lecturer (43-49)	£49,553 - £59,135	£10,654 - £12,714

VC Principal and senior pay

The HESA website states that they won't have the most up to date data available until the summer of 2021 for the year 2019/20. Whilst there have been some examples of VCs, Principals and senior teams taking pay cuts in response to the pandemic, this has taken place in the context of the cohort being in receipt of six figure salaries, the vast majority of whom are earning at least double the top rate of the JNCHES negotiated pay spine. However, during the same period other examples indicate generous severance packages, bonuses and benchmark salary uplifts have been paid.

The Office for Students (OFS) report into senior pay in universities confirmed the data brought by the joint unions to annual pay negotiations in recent years. In 2017 when the staff pay settlement was 1.7% university leaders saw their pay rise by 3.1%. In 2017 the median pay ratio of 'heads of providers' and staff as a whole was 7.2%⁵ but in almost 10% of HEIs the ratio of total pay package to the institution median was over 10:1. In the same financial year nineteen universities increased their VC total reward package by more than 6% and twenty three universities increased their VC's pay by more than 6% - seventeen percent of all universities.

Whilst over the past couple of years there has been an increased focus on VC pay in the public domain, there is still a lack of accountability on this matter and, to date, a lack of commitment by the sector as a whole to address this problem. Too many HEIs still have head of provider sitting on the remuneration committees and determining their own pay package. The joint unions believe that a fair and decent pay offer from the university employers would begin to restore staff, student and public trust in universities.

[https://www.ucu.org.uk/media/10422/Transparency-at-the-Top-The-fifth-report-of-senior-pay-and-perks-at-UK-universities-May-2019/pdf/Transparency at the Top 2019.pdf](https://www.ucu.org.uk/media/10422/Transparency-at-the-Top-The-fifth-report-of-senior-pay-and-perks-at-UK-universities-May-2019/pdf/Transparency%20at%20the%20Top%202019.pdf)

Affordability

The most recent figures released by HESA is the data from March 2019 showing that in 2017 total income for all UK universities rose by over 38% in the last 10 years, taking the total increase in income since 2009/10 to over £11 billion.

With capital expenditure increasing by more than £1.2 billion since 2009/10 and staff costs decreasing year on year to a new low of 52.9% of income, it is clear from university accounts that investment in higher education staff has been deprioritised in favour of investment in buildings and the hoarding of increasing reserves - £49.22 billion in 2017/18, which have more than tripled since 2009/10.

Addressing pay compression

The joint trade unions acknowledge that some steps were made to address the lower of the pay scale in recent higher education pay offers. In previous years the pay offer kept pace with the foundation living wage, but only for those on a 35-hour week. This resulted in the bottom two pay points having been deleted, as well as higher percentage pay increases for those on the lower end of the pay spine.

At the same time the sector has been facing the increasing issue of stagnating and falling pay for our members at the top of grades. The majority of employees on the 48 point pay spine are now at the top of their pay grade and, therefore, do not benefit from pay increments, receiving only the general pay rises from each annual settlement which have been consistently below inflation. The joint unions believe that the top of pay grade is the full 'rate for the job'. Incremental payments are based on the locally agreed grading structure and are not under the remit of national talks.

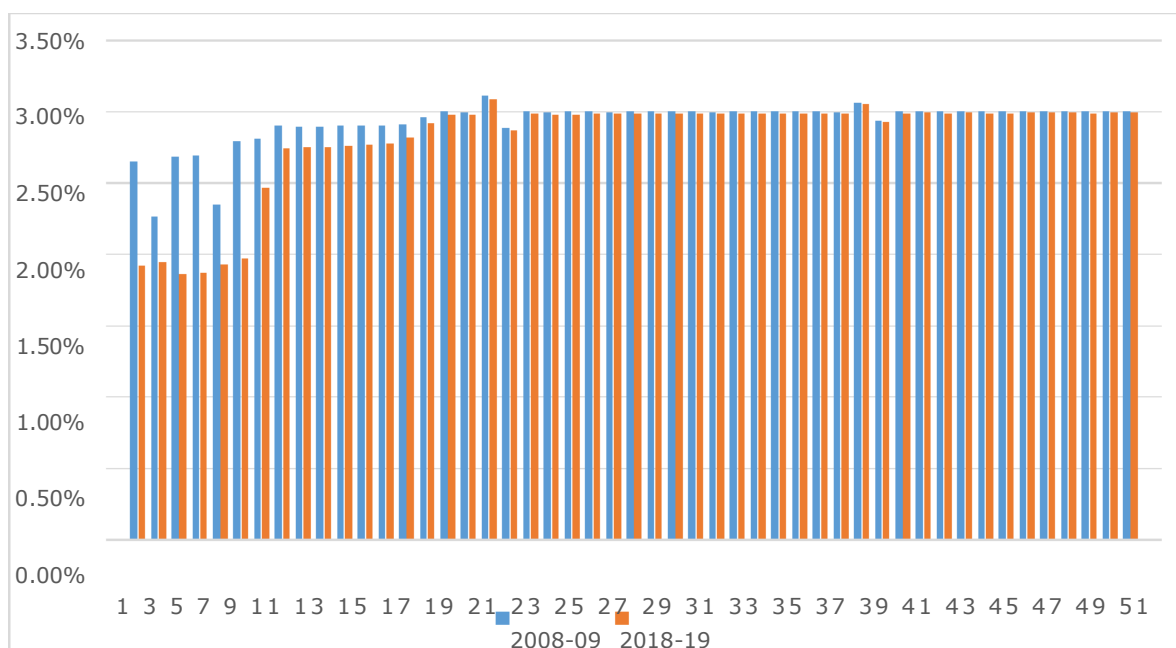
The sections in this claim on loss of value, inflation forecasts and settlement data, when compared with the pay increase contained in recent settlements, show how far behind both the cost of living and average pay settlements the pay in HEIs has fallen. Our members at the top of grades have therefore faced a steady erosion in their pay packets from below-inflation settlements together with no increment.

The rationale for differentials in the pay structures is important, particularly at a time when our members are taking on more duties as HEIs restructure and cut staff. In recent years the outcomes of New JNCHES have resulted in the pay spine differentials not being consistent throughout the spine, which impacts on equality, fairness and consistency grounds. The unions are calling for a restructure of the pay spine to restore the 3% incremental gaps throughout the pay spine and address the issues of pay compression that exist. Given the high levels of uncertainty affecting the sector, differentials need to be predictable over time rather than being eroded.

In response to Unite's 2020 annual pay survey, one staff member commented "*There is very little difference in salary between cleaners and cleaning supervisors and it is becoming increasingly difficult to recruit into these roles. The lower paid staff are having an annual increase and the differential is now so close at the bottom of the pay scale we have cleaners earning 36 pence an hour less than our grade four computer techs*".

Percentage Gap between Different Spinal Column Points

The joint trade unions are seeking, as part of this year's pay settlement, a recognition of the dwindling value of pay for those at the top of grades. We are seeking additional pay uplifts at the lower end of the pay spine to address pay compression and a remodelling of the 48 point pay spine to address the erosion of differentials and seeking to restore a 3% gap across the spine is a means to achieve this. Establishing a joint working group to address this problem in a comprehensive way would be a useful way to take this problem forward.



The graph above shows how staff at the lower end of the pay spine have seen their differentials eroded the most over the past ten years.

35 hour working week for all

As in the claim lodged for the 2020/21 pay round, the joint unions believe that the sector needs to address the differential pay rates between universities.

Each year the higher education pay offer is made with reference to HE staff being employed on a 35 hour per week contract. In years prior to 2019/20, the Foundation Living Wage has been achieved as a minimum level of pay but only for those employed on a 35 hour contract. UNISON's 2020 FOI showed that, in fact, the majority of universities in the UK issue standard contracts which are higher than 35 hours, meaning that the FLW isn't achieved even for staff directly employed by universities if they are paid on the lowest few spinal column points.

Our data shows that:

- 53 universities employ staff on 35 hours per week as standard,
- 30 universities employ staff on more than 35 hours and less than 37 hours per week as standard,
- 50 universities employ staff on 37 hours per week or more as standard,

The joint trade unions believe that New JNCHES can show leadership for the sector in response to this claim by developing national guidance on moving staff onto 35-hour weekly

contracts. In addition, consideration should be given to expressing the national pay spine both as an annual salary and an hourly rate per spinal column point.

This section of the pay claim comes under section 8 second bullet point of the New JNCHES Agreement, 26 March 2013. The number of hours in the standard weekly contract directly impacts on the amount that salaries are worth per hour. This comes into sharp focus for those working on part-time, hourly paid or zero hours contracts as well as for those on the lowest pay points. Whilst contracts are issued locally by each employer this point in the agreement states that discussions can place on remuneration matters ‘...where the detail is determined locally in the context of the Framework.... allowing consideration of practice...across the sector as whole..’.

*Additionally, the New JNCHES pay agreement 2006-09 section 4 “**The Standard Working Week**” states that “...the sub-committee jointly recommends HEIs with a longer working week explore actively ...a reduction in working hours”.*

Career development, progression and training opportunities.

The joint trade unions are calling on UCEA to work with us to establish a working group to look at career development and progression issues and training opportunities.

Members of all five unions express their frustrations with how career development and training opportunities are increasingly frustrated in the context of wide-spread organization change within the sector and the inconsistencies in approach taken at HEI's.

The trade unions are proposing that the working group would look at, but not be limited to, technicians and the Technician Commitment and academic related staff.

This section of the pay claim comes under section 6, second bullet point of the New JNCHES Agreement, 26 March 2013 which references the Framework Agreement which, itself covered pay progression and career pathways/progression. Additionally, section 7 of the New JNCHES Agreement references particular occupational groups.

Gender, Ethnic and Disability Pay Gaps

The joint unions are again calling for UK-level agreed action for HE institutions to close the gender pay gap and to specifically address the ethnic and disability pay gaps, taking account of ways in which intersectionality affects pay and grading. This work should be planned and conducted in a transparent way with clear terms of reference.

Every year the official pay data in UK higher education shows continuing, shameful and persistent pay inequality with 46 HE institutions having reported a wider pay gap between men and women compared to the first year of reporting in 2018. UK universities promote the values of equality, yet it is more than fifty years since the Equal Pay Act and the sector still has huge and, in some cases, growing gaps in the pay of men and women. In April 2019 with the second year of reporting on gender pay gaps in organisations employing over 250 people, the problem remains as bad as ever with the women's mean hourly wage being 15.1% of men's wages (down by 0.7% on 2018) and with the median having increased to 14.8% up from 14%.

The average gender pay gap across the UK HE sector stood at 16%, the pay gap between Black and white staff 17%, and the disability pay gap stands at 9% (HESA staff record 2018/19).

ASHE gender pay data for all HE staff:

	Median salary	Annual %	Mean salary	% change
All staff	33,503	3.5	35,148	1.6
Male	37,723	0.0	40,887	0.2
Female	28,954	1.7	30,364	2.4

ASHE 2019 - Table 16

The time has now come for universities to agree clear action plans with their unions and for joint work to be done to address the race pay gap and the impact of intersectionality on staff.

New JNCHES has an important review and enabling role in this. UCEA's own analysis shows that Black non-UK men, Black UK women and Black non-UK women suffer the most significant pay penalty in comparison to white-UK men. The extent of the problem is widespread and deep-rooted and having been identified, urgent action must now be taken.

UCEA's Tackling the Gender Pay Gap report revealed that union involvement in developing action plans was inconsistent - whilst 40% of published action plans had "sustained, ongoing" union involvement, only 6% of published action plans had received union sign off.

The interventions chosen within the action plans did not seem to be evidence based- UCEA finds that the most common actions taken "are not necessarily reflective of what works or what is relevant".

For example, fewer than half of all action plans had identified contract type as an area of intervention, despite women being more likely to be on fixed-term, hourly paid or zero hours contracts. On the other hand, 86% of action plans included "mental health and well-being initiatives", which is not an action relevant to closing the gender pay gap.

Only a third of published action plans considered the ethnicity pay gap.

As identified above, looking at the intersection between different pay gaps is crucial. UCEA's report on the intersection between gender and ethnicity in pay found that the pay penalty experienced by BME women is much more likely to be due to ethnicity than gender. Failing to consider the intersection between different pay gaps risks action on the gender pay gap that doesn't benefit all women and could further compound ethnicity pay gaps.

Working proactively to eliminate the gender, ethnic and disability pay gap makes business sense, makes moral sense and shows staff that the sector is committed to tackling this entrenched discrimination.

The joint unions are seeking:

- a national, time specific, agreement detailing how action will be achieved by each HEI working with their trade unions to close the gender, ethnic and disability pay gap;
- An implementation agreement agreed by HEI management and their trade unions which is then progressed and reported back to new JNCHES;
- a commitment by all UCEA affiliates to encourage their staff to declare their protected characteristics with their employers to help address discrimination; then the completion of a full Equal Pay Audit covering all protected characteristics by a specific date, and all the data to be shared with the campus unions. UCEA to collate and share with the unions nationally copies of all the Gender Pay actions plans drawn up by UCEA affiliates.

This section of the pay claim comes under section 9 of the New JNCHES Agreement, 26 March 2013. Additionally, section 6, second bullet point references the Framework Agreement which has a section on Equal Opportunities and Pay.

Precarious work: casual contracts and outsourced workers

In October 2019 The Guardian lifted the lid of the on-going scandal of the outsourcing of university support services to private companies. This investigation showed, in some cases, university spending on outsourced services had increased by 70% over seven years. These companies are making a profit – the only reason that they take on university contracts – at the expense of funding councils, government funding and hard-pressed students' fees.

The joint unions do not expect that higher education institutions to be abdicating their responsibility for employing the lowest paid staff on decent terms and conditions and with decent pensions. In many places, universities are the largest employers and the policy of outsourcing has a significant impact on the local community. However, in recent years a number of universities in London have recognised the benefits to employing all staff in-house to enable a coherent service to be delivered to staff and students. It does not pay to save money on catering, cleaning and security when these services, if properly integrated, underpin a safe university community. This has been brought more sharply into focus during the COVID pandemic.

There are still many contractors taking profits from higher education. According to UNISON's 2021 FOI (with some data still outstanding), of those who responded: 66 universities outsourced cleaning; 61 outsourced catering; 61 outsourced security services. The thousands of university staff now outsourced to the private sector has an impact on their pay, as well as having equalities impacts. The joint unions are requesting that joint work is done to establish best practice in terms of delivering services on an in-house basis ensuring that all employees have equal and fair access to sick pay, annual leave pay and pensions as well as to the national higher education pay spine. The joint unions are calling for the UCEA to establish, with the joint trade unions:

- national guidance for the sector to encourage them to bring services back in-house
- discussions to take place at local HEI level with the trade unions on the best way that in-sourcing can be delivered.

According to the last available HESA data, one third of all academics are employed on fixed-term contracts. This figure rises to almost half for teaching-only academics (46%) and over two thirds (68%) for research only staff. Despite the negative press and widespread campaigning, 30% of all higher education institutions still use zero-hours contracts for employing academic staff. This equates to 49 institutions employing 6,520 academic staff on these discredited contracts. When it comes to hourly-paid academics, staff are again concentrated in teaching-only roles where 40% of academic staff are on hourly- paid contracts. There are also more than 70,000 academic staff employed on atypical' contracts which will include those on the most casualised forms of contract. Casualisation remains a problem for all academic staff groups but the use of fixed-term contracts for research staff, and zero-hours and hourly-paid contracts for teaching-only staff is endemic; (data HESA 2018-19).

The joint unions are seeking a commitment from UCEA to a joint call for universities to commit to a new institution-level action and implementation plans to create greater security of employment and to address the problems facing outsourced and casualised work. These plans should align with the principles of good work. The joint call to institutions will agree

their plans with the local trade unions and an implementation timeline with specific commitments to:

- end the use of zero hours contracts with all staff having at least minimum guaranteed hours that reflect their working pattern on an employee contract;
- A New JNCHES Graduate Teaching Assistant (GTA) agreement whereby GTA contracts include an appropriate workload allocation mechanism, guarantee that all GTAs are paid at the appropriate grade for the work they are conducting; receive paid training, and have access to the same rights and entitlements as all permanent members of staff. *Note the reference to GTA is generic as pre and post-92 institutions use different terminology for the same role.*
- agree a process by which staff on hourly paid contracts can be moved to fractional contracts;
- move all staff with more than 4 years' service to open ended contracts with a focus on better management of redeployment, the provision of bridging funds (for example for use between research grants for both research and support staff working on externally funded research projects) and a move to research 'hubs';
- HEIs recognise the need to reduce the levels of casualisation and to commit resources to do so;
- For all contracts (other than genuine cases of cover) to be no shorter than 24 months;
- Develop and agree national guidance to end the outsourcing of support services in higher education and to bring staff into in-house employment.

As part of the agreement, universities will be invited to submit jointly agreed action plans for review by November 2021 and to report on progress against these plans in time by February 2022 to inform the following pay round.

A joint monitoring group will assess universities' success in developing and then implementing plans and will report to JNCHES in May 2022. A joint report will then be written and co-authored by the unions and UCEA and published in June 2022 to update on the sector's progress.

This section of the pay claim comes under section 7 of the New JNCHES Agreement, 26 March 2013 which references fixed-term, hourly paid, and low pay (which relates to the outsourced services which, in many cases, employ staff on the lowest rates of pay.) Additionally, section 8 of the, third bullet point, states that 'areas of employment practice...with the potential to produce material for dissemination to institutions', in the New JNCHES Agreement, 26 March 2013.

Workload mental wellbeing and COVID

The pandemic has had a significant impact on staff workloads and ways of working as a result of lockdown and the move to online delivery. Union branches report an increasing use and consideration of new technologies and IT platforms in regards to teaching and assessment. This impact is not only experienced in increases in the volume of work staff now undertake,

but also the rapid change to different means by which staff deliver their work in COVID safe environments such as online teaching and remote working. The increases in workload and work-related stress linked to the pandemic are felt differently by different groups of staff, the worst cases typically experienced by the most vulnerable staff in the sector.

UCU conducted a COVID Equality Survey in December 2020. The full report will be published soon, the headline findings in higher education are:

- 78% of staff reported increased workloads during the pandemic, 56% by a lot
- Women, BAME staff and disabled staff in HE were all more likely to report that their workload increased a lot
- 85% of staff said their level of stress had increased either a little or a lot as a result of work pressures linked to the pandemic
- In HE, women, BAME staff, disabled staff, LGBT+ and migrant staff were all more likely to report feeling a lot more stressed.
- 83% of all respondents in HE said that increased workload had a negative impact on their mental wellbeing - women, disabled and BAME staff in HE were all more likely to say that workload had negatively impacted their mental health a lot.
- 60% of staff in HE said their mental wellbeing had been negatively impacted by lack of support from employer
- 86% of respondents in HE had been given information or signposted towards support for mental health issues. However, migrant and disabled workers were less likely to have been signposted towards mental health support

UNISON's report from the summer of 2020 showed the following: that 40% of support staff undertake unpaid overtime at least a couple of times a month and more than 10% of the workforce work unpaid overtime every day or nearly every day. That 63% reported that workload had increased in the past year and half of the workforce (49%) were very concerned about work-related stress and mental health. The true picture of the impact of the pandemic on mental health is yet to be fully understood and work needs to be undertaken to develop effective ways of ensuring that staff receive the help and support that they need.

Additionally, the effects and impact of "Long COVID" are only just emerging. The unions believe that work that will need to be undertaken to set out how employers can be support and help staff with long COVID and to provide the differing reasonable adjustments that many will need. The cost to employers of not dealing effectively with both workload and stress at work has now been well documented. The cost affects productivity, sickness absence bills, and of course, has a health and financial cost to the employees directly concerned and their colleagues. Higher education institutions can no longer ignore this problem.

The trade unions wish to make it explicitly clear that actions need to be taken by employers to reduce unsafe and excessive workloads, and that such excessive workloads mean, in effect, that staff are doing more work for less pay.

The latest estimates from the Labour Force Survey (LFS) show:

- The total number of cases of work-related stress, depression or anxiety in 2019/20 was 828,000, a prevalence rate of 2,440 per 100,000 workers.
- The rate of work-related stress depression and anxiety has increased in recent years.
- The number of new cases was 347,000, an incidence rate of 1,020 per 100,000 workers. The total number of working days lost due to this condition in 2019/20 was 17.9 million days. This equated to an average of 21.6 days lost per case. Working days lost per worker due to self-reported work-related stress, depression or anxiety shows no clear trend.

- In 2019/20 stress, depression or anxiety accounted for 51% of all work-related ill health cases and 55% of all working days lost due to work-related ill health.
- Stress, depression or anxiety is more prevalent in public service industries, such as education; health and social care; and public administration and defence. By occupation, professional occupations that are common across public service industries (such as healthcare workers; teaching professionals and public service professionals) show higher levels of stress as compared to all jobs.
- The main work factors cited by respondents as causing work-related stress, depression or anxiety were workload pressures, including tight deadlines and too much responsibility and a lack of managerial support (2009/10-2011/12).
- Disruption to the economy towards the end of 2019/20 due to the emergence of COVID-19 as a national health issue had the potential to have impacted on workplace injury and work-related ill health data for 2019/20.

<http://www.hse.gov.uk/statistics/causdis/stress.pdf>

The joint trade unions are seeking an agreement on the following terms:

- An agreed UK level action plan by which HEIs agree workload models with their local trade unions that are based on the actual hours required to do the job;
- That the workload model and plans take into account post pandemic changes in working practices;
- UCEA to recommend the adoption and implementation of the Stress Management Standards approach (or suitable equivalent system) incorporating collaborative working with recognised trade unions and staff;
- the recognised trade unions commit to genuine engagement and joint working with the employers to agree local action plans to reduce the incidence of work-related stress ill-health;
- that joint work be undertaken on developing workload models and planning that take into account COVID pandemic related changes in working practices.

This section of the pay claim comes under section 6 of the New JNCHES Agreement, 26 March 2013 in that workload and the unpaid overtime that staff on all grades are undertaking has a direct impact on the hourly wage (which is reduced with every additional unpaid hour worked). This section of the pay claim also comes under section 8, second bullet point with regard to 'remuneration matters where the detail is determined locally... allowing consideration of practice... across the sector as a whole'.

Scottish JNCHES

The New JNCHES Agreement expressly acknowledges the reality of the establishment of devolved HE sectors for the devolved administrations within the UK, and that a subcommittee of the NEW JNCHES Committee may be formed to look at HE issues for any of the devolved administrations. There is clear evidence that there are some diverging trends and structures emerging in Scotland relative to the rest of the UK. The Fair Work Convention is Scotland specific, and a Scottish JNCHES would need to ensure that this is embedded within Scottish HEI's and is beyond the scope of the full JNCHES. A Scottish JNCHES subcommittee would

provide the appropriate forum for legitimate discussion and engagement on this and other issues.

For this reason, the trade unions seek the activation of the Scottish New JNCHES Sub-Committee to look at Scottish issues.

Over the past year, the importance of having a Scottish sub-committee has become more pronounced. The ways in which Brexit will affect Scottish universities may be different from HEIs in England given the different funding and tuition fee regimes. The Higher Education Governance (Sc) Act 2016 is gradually being implemented, with dialogue taking place on this, and other key sectoral employment issues, in Scotland out-with New JNCHES.

The trade unions claim is to establish the Scottish Sub-Committee of New JNCHES as set out under the New JNCHES Agreement. The main purpose of the sub-committee would be to deal with matters not currently being dealt with at the New JNCHES Committee and to inform NEW JNCHES where best practise is being established in Scotland so it can be considered at the UK level.

This section of the pay claim comes under section 10 of the New JNCHES Agreement, 26 March 2013, first bullet point.

Sector Redeployment Agreement

The purpose of this agreement is to give at-risk staff in an institution facing significant job losses and course/department closures, the opportunity to apply with priority for available posts in other institutions that are recruiting in the same disciplines. The agreement would need to apply to all job roles and posts. The agreement will have the following features:

1. UK-wide agreed minimum standards for local policies including:
 - a. redundancy collective and individual consultation,
 - b. redeployment and other forms of redundancy avoidance,
 - c. extending minimum notice periods from three to six months,
 - d. enshrining equal treatment for fixed term and hourly paid staff, and building in thorough equality monitoring.
2. A sector-wide agreement for redeployment between HEIs, facilitated by the current online working conditions, with a JNCHES consultative subcommittee to oversee it.

Conclusion

Staff in the sector have responded magnificently to the pandemic. Through a combination of commitment, hard work, professionalism and flexibility, staff have ensured the highest levels of education and student support has been maintained. Whilst the recognition of sector leaders is welcome, its time now to reward staff. HEI's are able to fund pay increases to meet our claim. Whilst there is continuing economic and political uncertainty, the HE sector must recognise the zero % pay offer for 2020/21 was widely rejected by staff in the sector. JNCHES needs to start to work for all stakeholders and non-offers or sub-inflationary pay rises will be hugely problematic for New JNCHES this negotiating round and beyond.

The unions are concerned that the increasing downward wage pressures and upward workload pressures are creating institutions in which morale and mental health is suffering. This claim provides clear ways in which problems concerning pay, pay discrimination, workload, and employment practices can be addressed.

HE staff contribute in so many ways to delivering the world class education at UK HEIs, and they need and deserve a pay rise as well as working conditions which provide stable and fair employment.

Now is the time for employers to invest in their biggest asset when global competition is increasing and the UK's position in relation to potential students and staff from the EU and beyond is uncertain. One certainty is that existing staff will help UK universities to maintain their world class status and need to be shown that they are valued and rewarded for their contribution.

This claim is a reasonable one and an accurate reflection of the key concerns of our members working in universities across the country. The unions believe that this claim should form the basis for a pay offer that we can recommend to our members. This joint claim aims to ensure that everyone is valued and that the hard work of all is recognised and rewarded.