

**New JNCHES negotiating round 2018-19:
Detail of the final offer made by the employers at the negotiating meeting on 10 May**

At the third and final negotiating meeting, held on 10 May 2018, the employers made the following final composite offer and response on all elements of the joint trade union claim:

1. Pay elements

- 1.1 An offer of a base pay uplift of 2% on the New JNCHES pay spine points or £425, whichever is the higher, from 1 August 2018. In responding to the trade union request to address increases towards the lower paid, there would be higher (above 2%) increases up to point 15 on the pay spine values, as follows:

2018-19 – Illustration of the £425 increase on points 2 to 15

Pay point	Annual salary value from 1 August 2018	Percentage increase on 1 August 2017 values
2	15842	2.76%
3	16146	2.70%
4	16460	2.65%
5	16766	2.60%
6	17079	2.55%
7	17408	2.50%
8	17751	2.45%
9	18189	2.39%
10	18688	2.33%
11	19202	2.26%
12	19730	2.20%
13	20275	2.14%
14	20836	2.08%
15	21414	2.02%

Note: Percentage increases are rounded to two decimal points.

- 1.2 On London Weighting, the employers would make a recommendation that those post-92 institutions that retained a separate London Weighting allowance would increase this by the same amount as the 2% base uplift.

- 1.3 If an HEI is in serious financial difficulty it may defer implementation of the above increases by up to 11 months in order to minimise job losses.

- 1.4 It was acknowledged that the projections¹ for future increases in National Living Wage, i.e. from April 2020 and subsequent years, will be a matter for some HE institutions to consider in the future. This is more likely to be the case where a 37 hour working week

¹ The latest Low Pay Commission forecasts are available in its December 2017 report on page 172 (Table 5.4) www.gov.uk/government/publications/national-minimum-wage-low-pay-commission-report-2017

operates. This may require a review of the use of lower pay spine point(s) and grading arrangements; a matter for institutional determination that an HEI would take forward in discussion with their recognised trade unions.

2. Other elements

2.1 On gender pay:

UCEA has done much to ensure that the Gender Pay Gap joint work done under the auspices of New JNCHES has been well-used by higher education institution (HEIs) and it provides links to all the sector-level joint work done with the HE trade unions, including:

- The 2015 New JNCHES Gender Pay Working Group Report (with HEI case studies to understand the nature of gender pay gaps and how to address them).
- The 2016 New JNCHES Higher Education gender pay gap data report (a detailed look at sector-level HESA and ONS gender pay gap data).
- Annual updates of the 2016 New JNCHES gender pay benchmark data including UCEA Briefings on HE gender pay gap infographics, Examining the gender pay gap in HE.
- The 2018 New JNCHES Equal Pay Reviews and Gender Pay Gap Reporting Guidance for HEIs.

The employers are also very committed to closing the gender pay gap and concur with the trade unions' view that it is through actions at HEI level, as well as tackling wider societal challenges, that progress will be made in closing the gender pay gap.

There have been three years of successful sector-level work through New JNCHES on this issue, with more to come this year. It will be useful to take stock of the findings from the current work on HEIs' action planning and the involvement of recognised trade unions, and consider the learning from HEIs' interventions and narratives. The publication of gender pay gaps this March /April by all larger employers in England has been a watershed moment. Statutory reporting has shown that no sector is immune from the difficulties presented by this important issue. We also note that sector-level work on this issue is being undertaken by Advance HE; this will be a qualitative examination of the gender pay gap narratives submitted by HEIs in England, to be published in June 2018. Advance HE says it will be aiming to "contextualise the statistical data, explore the explanations given by HEIs for their gaps, and highlight their current or proposed policies to mitigate this inequality".

As part of a composite settlement in 2018-19, UCEA offers:

- i) A New JNCHES working group has just begun (in April 2018) new sector-level joint work which focuses on the action planning that HEIs are undertaking to tackle the gender pay gap². This comes at a time when there is an intense spotlight on gender pay gaps, from the media, Government, employees, trade unions and employers, following the first statutory publications of data by employers in England. The aim will be to conclude this work and launch a report of its findings in the autumn of 2018.
- ii) In order to assist the momentum for continuing progress in closing the gender pay gap in the period to 2020, UCEA and the trade unions will use the

² The agreed Terms of reference for the current work, together with links to published joint reports, are available at www.ucea.ac.uk/en/empres/paynegs/new-jnches/joint-working/index.cfm

established annual calendar for New JNCHES engagement to maintain an overview of sector-level data and developments. To do this the parties would use the autumn 'special' meetings of JNCHES and the Strategic Issues meetings organised in the spring and agree that gender pay gap would be a substantive item on the agendas for these meetings.

2.2 **On casual employment**

The employers remind the trade unions of the substantial work already undertaken on this topic. A particularly successful piece of past joint work related to the improvement of sector-level data; the parties were able to agree a set of recommendations to HESA and these were subsequently adopted in full. This has been a significant development which will mean that the individualised Staff Collection for 2017-18 will for the first time incorporate new markers for 'zero hours contract' and 'hourly paid contract', which will enable an assessment of the extent of such 'variable' employment arrangements.

The New JNCHES negotiations for 2016-17 also led to an agreement that the parties would jointly work on a project with two strands: one looking at variable hours working as an alternative to 'zero hours' and one at support available to staff on fixed-term contracts delivering teaching. This work commenced in early 2017 and, whilst it was disappointing to the employers that the trade unions decided to pull out of the working group in autumn 2017, the employers recognise that these employees are an important part of HEIs' workforces and see value in producing new material to help employers reflect on their practices. UCEA will, therefore, be concluding this work in consultation with a working group of representatives from HEIs. The report will be published within the next fortnight and will incorporate a framework of considerations intended for the managers of those engaged on fixed-term contracts.

The trade unions have indicated that they are keen to see 'actions' in HEIs and UCEA encourages the trade unions to use their status as the recognised employee representative bodies in individual HEIs to raise any specific concerns they have regarding arrangements in that HEI. We point also to the existing framework that is available in the form of the New JNCHES principles on the employment of casual and fixed term staff.

As part of a composite settlement in 2018-19, the employers offer:

- iii) Recognising the trade unions' concerns about the casual workforce, the parties recommend that the New JNCHES principles underlying good practice in fixed-term and casual employment (from 2002) can be used as a 'framework' within HEIs at such time as they undertake reviews of their arrangements. HEIs are encouraged to seek input from their recognised trade unions.
- iv) With the aim of improving our shared understanding of the extent of fixed term and variable employment arrangements across the HE workforce, the parties commit to undertaking a joint sector-level review of the 2017-18 staff record data focusing on the new 'hourly-paid' and 'zero hour' markers. The 2017-18 record will be published by January 2019 and the parties will convene a steering group for this work before then (in late autumn of 2018) to agree the data specification required in order to undertake a thorough sector-level analysis. Both parties (employers and trade unions) would withhold commentary on analysis using the new data fields until this work is completed.

2.3 **On workloads**

HEIs have mature health and safety cultures, with leaders, managers and staff representatives well aware of their health and safety responsibilities. For a range of HE roles, including academic roles which have very high degrees of autonomy and

self-direction, HEIs will appreciate the importance of staff working within maximum working hours under the Working Time Regulations 1998, where staff have not opted out (an average of 48 hours a week over a 17 week period). Workplace health and safety committees are widely found and the trade unions are given facilities to enable the activities of designated health and safety representatives.

Employee concerns about their working hours and any concerns regarding impact on their health must be dealt with on an individual basis with the employer. Under the Health and Safety at Work etc. Act 1974 (Section 2), employers have a duty “to ensure, so far as is reasonably practicable, the health, safety and welfare at work of [its] employees”. This includes an obligation to provide and maintain systems of work and a working environment which are, as far as is reasonably practicable, safe and without risk to health. Safe systems of work would cover working hours. The duty of care is owed to each employee as an individual and trade unions can support their members in this regard. There are many available resources to support HEIs in their management of stress and this will be supported by the ‘stress and mental wellbeing resource pack’ that has now been developed by UCEA and trade union representatives through the Higher Education Safety and Health (HESH) Forum. The trade unions have raised in the New JNCHES negotiations this year an explicit claim for “payment to recognise excessive workloads”. The employers regard this as inappropriate to be addressed in negotiations on the uplift to the national pay spine and would expect recognised trade unions to pursue any claim about an “excessive workload” that they wish to support in respect of individual staff members at institutional level.

The employers recognise that a ‘long hours culture’ can have damaging effects for individuals and consequently for organisations. If there are expectations around ‘long hours’ in more senior roles, these may also be a potential factor in deterring those with caring responsibilities, including many women, from seeking promotion and may have a negative consequences on progress in closing the gender pay gap. A TUC report looking at the whole UK economy in 2008 noted, “The TUC’s primary concern has been the impact of long hours on health. However, we are also concerned that so many senior positions disproportionately rely on long hours. This will help to exclude women from those roles, since they still bear the greater part of caring responsibilities.”³

As part of a composite settlement in 2018-19, UCEA offers:

Workload and working hours are not matters for New JNCHES as these are for institutional level determination. The parties do, however, note the potential negative consequences of excessively long hours for individuals and organisations and encourage the consideration of the potential presence of ‘long hours culture’ within HEIs’ staff health and wellbeing strategies, as would be appropriate in any other organisation.

2.4 On a Scottish sub-committee of New JNCHES:

The employers explained the position that a case has not been accepted for there being specific matters within the scope of New JNCHES negotiations where it would be appropriate to convene a Scottish sub-committee and presented a paper summarising the collective position following further consultation with the relevant

³ TUC report, ‘The return of the long hours culture’
(www.tuc.org.uk/sites/default/files/extras/longhoursreturn.pdf)

HEIs. As agreed, the trade unions had provided examples of topics they believed were New JNCHES issues with a Scottish dimension that would not be dealt with under the main New JNCHES committee. The employers had discussed the matter with UCEA Board members and had also sought the direct input and views of the 15 Scottish HEIs participating in the 2018-19 JNCHES pay round on the topics raised by the trade unions, sharing with those HEIs the paper as presented by the trade unions amplifying this matter in their Claim, received on 23 April 2018. The responses from the employers on each point were set out in a paper circulated to the trade unions on 9 May⁴. In summary all of the 15 participating Scottish HEIs were supportive of New JNCHES role as a UK-wide negotiating body and noted that the specific Scottish issues were either being dealt with at institutional level and/or discussed at the forum for Scottish discussion convened by Universities Scotland.

The Scottish HEIs would offer assurances that they are actively engaged with their recognised trade unions at an institutional level on employment matters with a Scottish dimension such as the Fair Work Convention and the Equally Safe Policy. They are clear however that these are not matters which they would address through multi-employer negotiating arrangements of the kind the trade unions are seeking through the request to use the New JNCHES machinery.

⁴ Both the trade unions' paper of 23 April 2018 and the Employers' response dated 9 May 2018 are available at www.ucea.ac.uk/en/empres/paynegs/Current-Pay-Negotiations/index.cfm