



UNIVERSITIES & COLLEGES
EMPLOYERS ASSOCIATION

1994 1995

1996 1997 1998 1999

2000 2001 2002

2003 2004 2005 2006

2007 2008
2009 2010

2011
Anniversary 20

2012 2013 2014

This history of UCEA was first published in June 2014 by the Universities and Colleges Employers Association (UCEA) to celebrate UCEA's 20th anniversary.

UCEA would like to acknowledge the following contributors to the publication:

Professor Geoff White for his major commitment in researching and writing this retrospective and the following UCEA Chairs and Chief Executives for their recollections of their time at UCEA: Helen Fairfoul, Professor Sir Brian Fender, Peter Humphreys, Stephen Rouse and Jocelyn Prudence.

UCEA would also like to thank Eversheds LLP for their sponsorship of the print costs of this publication.



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Preface

It has been a fascinating exercise to undertake this retrospective of UCEA as it marks its 20th year. Our member HE institutions have been through an extraordinary period of transformation. This in turn has meant major changes in the jobs people do, the way they do them and even where they do them, so the employment agenda has stayed current throughout.

Someone looking then and now at the work being done in HE institutions and the way that UCEA is supporting that work would find some recurring themes including:

- the importance of consultation and communication
- extensive joint and partnership working with the sector trade unions, which few other sectors could rival
- relatively peaceful and positive employee relations during which we have seen different governments and funding models along with economic recessions, rising student numbers, a leap in research quality and the introduction of undergraduate student fees
- collective multi-employer negotiations, despite consistent predictions and commentary that the model would change
- UCEA's success in bridging gaps and identifying and meeting the common needs for increasingly differentiated members.

This retrospective, perhaps inevitably, focuses on the most visible part of UCEA's work – national reviews and negotiations – but the period has seen a great deal of other vital work being taken forward by UCEA and this is covered in the final section. UCEA's profile in pensions, pay research including pay benchmarking, international work, plus our communications support are certainly developments to highlight.

We know that history does not get made in convenient decades but we hope you enjoy, as much as we have, looking back over two of them. Our thanks go to Professor Geoff White for his careful work in compiling this retrospective. We owe a considerable debt to the hard work and dedication of the people behind UCEA over this period and, as ever, our thanks for the support of the HE institutions who are our members.



Helen Fairfoul
UCEA Chief Executive



Professor Paul Curran
Vice-Chancellor, City University London
and UCEA Chair

Origins of collective bargaining in UK HE

The origins of the Universities and Colleges Employers Association (UCEA) are closely linked to the establishment of collective bargaining in UK HE. While trade unions representing HE staff were established at the beginning of the twentieth century, full recognition by employers for collective bargaining purposes did not occur until after the second world war. The Association of Teachers in Technical Institutes (ATTI, forerunner of NATFHE) was founded in 1904 while the Association of University Teachers (AUT) was founded in 1917. The rapid expansion of education in the period after the second world war saw a large growth in union membership in both the university and further education/polytechnic sectors. This in turn led to more formal arrangements for determining pay and conditions and, by the 1970s, national pay bargaining was in place for both university and further education/polytechnic staff.

Further education and polytechnics

The first arrangements for joint employer/union negotiations on pay and conditions in HE came in the further education/polytechnic sector, rather than the universities. The emergence of the Burnham Committee for setting teachers' salaries in the inter-war period - based on the principles for joint regulation established under the recommendations of J.H. Whitley in 1916 - provided the basis for the recognition of the ATTI for collective bargaining with local authority employers under the 1944 Education Act. The separate Burnham Committee for Further Education Teachers was established under the Remuneration of Teachers Act 1965 and this lasted until industrial disputes in schools in 1985/86 led the Government to establish 'arms length' pay determination machinery for school teachers

through an independent pay review body (today the School Teachers' Pay Review Body). This in turn led to new bargaining machinery for FE and Polytechnic staff, who were not covered by the new pay review arrangements for school teachers. The National Joint Council for Lecturers in Further Education in England and Wales was established in 1987 and covered around 82,000 full-time and some 123,00 part-time teachers and lecturers employed in sixth-form colleges, polytechnics, colleges of further education, colleges of further and higher education, art colleges, agricultural colleges and prisons. Support staff were covered by the same collective bargaining arrangements as for other local government staff. There were separate arrangements for further education and polytechnic staff in Scotland.

University academic staff

In the university sector the development of collective bargaining took longer. When the University Grants Commission (UGC) was established in 1919, the year after the creation of the Committee of Vice-Chancellors and Principals (CVCP), now Universities UK, it strongly opposed any moves to standardisation. The UGC actually confined itself to recommending general rises in academic salaries in order to maintain the quality of recruits and to allow university teachers '*to pursue their intellectual ideal under conditions which do not make this impossible of attainment*'. These conditions were envisaged as '*the prospect of marrying and maintaining himself and his family in such material comforts as are enjoyed by moderately successful members of other learned professions and as providing satisfactorily for the education of his children*'. In 1930 the UGC continued to argue that: '*Each university or college must be free to decide for itself what is*

1994

Tony Blair wins the Labour Party leadership election in July following the sudden death of John Smith.

John Major is Prime Minister and John Patten is Secretary of State for Education.

best suited to its own needs and resources and it is not only natural but desirable that the size, wealth and standing of different institutions should be reflected in differences in salary. Only after the second world war did the UGC decide that the expansion of HE and the pressure of the rising cost of living required a reversal of this policy. In 1946 the UGC recommended standard salary scales for university professors and, in 1949, for non-professorial staff. The UGC argued that since the improvement in salaries was only possible because of public money, it was necessary to ensure that the universities observed a certain measure of uniformity in the treatment of their staff and that the additional grants were given on the condition that the new scales *'would not exceed certain specified limits'*. National scales were therefore seen as a means to limiting individual institutions' spending on pay. Only the University of Cambridge rebelled against this mandatory salary structure by proposing to raise the standard professorial rate to £250 per year above the UGC's prescribed national level. This led to a quick reprimand from the UGC. Throughout the 1950s the AUT continued to press for full recognition as a bargaining partner. In 1955 the Chancellor of the Exchequer announced that the AUT had the right to a *'considered reply'* to its request for recognition for collective bargaining purposes. However, in 1959 the Government was still strongly resisting any form of collective bargaining for university staff. A major problem identified was the absence of any employers' body to negotiate with the AUT.

AUT achieves recognition

In 1960 a new two-stage procedure was introduced for determining academic salaries which brought the AUT into the machinery for the first time. First discussions were held between the CVCP, the UGC and the union which agreed a salary increase for recommendation to the Government. The second stage involved the UGC alone, and in secret, advising the Chancellor of Exchequer who promised to give a detailed reply to the CVCP and AUT but no details of the UGC's advice. The AUT continued to campaign for full bargaining rights but

without success. In 1964 responsibility for the UGC moved from the Treasury to the Department for Education and Science. A report from the National Board for Prices and Incomes (NBPI) in 1968 rejected the AUT's salary aspirations but conceded its right to full recognition. A further NBPI report in 1970 was followed by the setting up of new bargaining machinery for academic and related staff who were now covered by Committees A and B. Committee A consisted of an independent chair, the AUT and the employers, represented by the Universities Authorities Panel (UAP), a mix of Vice-Chancellors and appointees of university Courts or Councils, with the Vice-Chancellors in the majority. Any proposals agreed by Committee A then went to Committee B which had a chair appointed by the Secretary of State for Education and Science. Committee B consisted of representatives of the AUT, the UAP, the independent chair of Committee A on one side and officials from the Department of Education and Science on the other. This ensured that the Government had a right of veto over any proposals made in Committee A but matters could then be referred to arbitration. A key feature of Committee B was that any agreement reached there led to the provision of additional Government funding for the salary increase (known as 'supplementation'). When supplementation was effectively abolished in favour of pre-announced cash limits in the 1980s, the Government veto was left in place, allowing the Government to substitute its view on ability to pay for the universities' agreed view on the required increase. In 1988 the national bargaining machinery for academic and related staff covered some 47,000 employees.

Clinical academics

In 1970 the Clinical Academic Staff Salaries Committee was established. This was not a negotiating body as such but had the role of translating the salary scales determined for doctors and dentists in the NHS – determined by the Doctors and Dentists Review Body – into those payable for clinical academics.

1995

University support staff

In terms of support staff in universities, local bargaining machinery for technicians was organised by the Association of Scientific Workers (ASW). The ASW was a forerunner of one of the many unions which came to form Unite. It was established in some institutions in the late 1940s but the ASW continued to campaign for national bargaining, which some universities supported. The UGC was approached by the ASW but the UGC indicated that the CVCP would be a better body to deal with this request. Discussions with the CVCP did not progress the ASW's aspirations, however, until 1952 when the CVCP agreed to the creation of the University Joint Committee on Technical Staffs. A common set of grading and salary scales began in 1953 and the National Union of Public Employees (NUPE – a forerunner union of UNISON) and the Amalgamated Engineering Union (AEU – a forerunner union of Unite) joined the Committee. Pressure for union recognition for other university support staff began in the 1960s as HE expanded substantially following the 1963 Robbins Report and the public service unions (NALGO, NUPE, TGWU and GMB) were also growing rapidly. The CVCP's view was that *'it did not regard central collective bargaining as appropriate for administrative and clerical grades'* but pressure for full bargaining rights continued. In 1966 the unions approached the Ministry of Labour for support and in 1967 the TUC became involved. The CVCP continued to reject the unions' demands until 1970. This followed growing industrial action by support staff in universities and the publication of the Royal Commission on Trade Unions and Employers Associations (the Donovan Report) in 1968 which recommended more formal industrial relations arrangements across the economy. Universities had finally agreed to the establishment of the Central Council for Non-Teaching Staffs in Universities (CCNTSU) covering the *'whole area of staff not on academic salary scales'*. The CCNTSU had four functional committees covering clerical and related administrative staff, technical staff, manual and ancillary staff and

computer staff. The employers' side was the Universities Committee for Non-Teaching Staffs (UCNS) which had been set up by the universities independently of the CVCP with its members drawn from the regions. Almost all decisions covering pay and conditions were determined at functional committee level. The Government had no involvement in these arrangements. By 1988 the number of staff covered by the CCNTSU was around 55,000.

Rodney Bickerstaffe becomes
General Secretary of UNISON.

1995

The formation of UCEA

The formation of UCEA was prompted by major changes in both the structure and funding of HE institutions. From 1988 the polytechnics and HE colleges were removed from local government control and given their own funding council, separate from the universities. This was rapidly followed in 1992 by the creation of new funding councils at the level of each jurisdiction of the UK in England, Scotland, Wales and Northern Ireland. Each of these new funding bodies controlled the funding of both universities and other HE institutions within its jurisdiction. At the same time, some 30 polytechnics were given university status, following significant growth in the non-university part of HE. These structural and funding changes created the imperative for a new method for dealing with the pay and industrial relations arrangements within the sector and it became clear that a new employers' body to cover all parts of UK HE was required. The result was the formation of UCEA in April 1994.

The changing structure of HE

The 1988 Education Reform Act created separate funding councils for the polytechnics and HE colleges (previously funded by local authorities) and the universities – the Polytechnics and Colleges Funding Council (PCFC) and the Universities Funding Council (UFC). The UGC was wound up on 1 April 1989, with its powers transferred to the new body, the UFC, which was directly responsible to Parliament, rather than to the Government. The new PCFC funded some 50 polytechnics and HE colleges in England and Wales while the UFC funded all 52 UK universities.

By 1992 the number of HE students in polytechnics had grown by about five-fold from 1965, twice the rate of the universities in England and Wales and so the polytechnics and HE colleges taught the majority of HE students. The Organisation for Economic Cooperation and Development (OECD) noted that they had become a “significant

alternative” to the universities. They were comprehensive and in 1991 they had twice as many part-time students as the universities, and nearly four times as many sandwich students. They had expanded substantially at postgraduate level, while maintaining (though not expanding) sub-degree work. The Conservative Government therefore decided to grant university status to some 30 polytechnics. The 1992 Further and Higher Education Act gave university status to these former polytechnics and created new funding councils for the UK, based on the separate countries of England, Scotland, Wales and Northern Ireland. Each funding council would now cover both the ‘old’ pre-1992 universities and the ‘new’ post-1992 institutions (both universities and HE colleges). The Further and Higher Education Act 1992 also allowed FE institutions to become HE institutions if their full-time enrolment on HE courses was in excess of 55% of total student intake. As a result a number of new HEIs were created including the Wimbledon School of Art, North East Wales Institute, Writtle College and Norwich School of Art.

The need for a new employers' body

This new funding regime further complicated the collective bargaining arrangements for HE and simplification of the machinery became a necessity. In the ‘old university’ sector the CVCP had continued to be the employers’ organisation in bargaining with the AUT for academic staff and the UCNS had functioned separately as the employers’ body for university support staff. In 1986 the CVCP had taken over the UCNS so there was then a single employers’ organisation covering all staff in universities. From 1989 the newly independent universities and HE colleges covered by the PCFC had had their own employers’ body, the Polytechnics and Colleges Employers Forum (PCEF), to bargain with their trade unions under Chief Executive Roger Ward. A new national contract was drawn up for academic staff in 1990

1996

Prime Minister John Major commissions the enquiry into HE led by Sir Ron Dearing.

The BMA threatens to ‘black-list’ universities over pay disparities between medical staff employed by universities and the NHS.

and revised in 1993. There were two bargaining groups for support staff - APT&C and manual/ ancillary staffs – based on their earlier local government agreements.

Once the two sectors were brought together under the new national funding councils, it was thought sensible that there should be a merger of the two employers' organisations, given that they were both dealing with the same funding sources. A shadow board for a new single employers' body was therefore established with its first meeting on 15 February 1994. Vesting day for the new employers' body was to be 1 April 1994 and it was decided to name it the Universities and Colleges Employers Association (UCEA). Both the CVCP and PCEF agreed to second staff to the new body until the contractual position of existing staff was determined. The new body was intended to cover all the existing collective bargaining machinery in the sector, irrespective of the funding council jurisdiction. Subscriptions were invited from 1 August 1994 and in June Scottish centrally funded colleges were urged to join.

It was stated that the objectives of the new association were, *'broadly speaking, to operate as an employers' association for HE institutions in the UK and act as a consultant to such bodies and persons thought fit'*. Under the purposes of the association it was agreed that: *'UCEA will not make representations to Government about resources needed for pay because that will be a matter for member organisations. UCEA will provide information, data and advice to assist member organisations to make such representations'*. It was also agreed that *'neither UCEA nor the employers' sides of negotiating bodies which it appoints will consider representations from trade unions on matters unrelated to pay and industrial relations, e.g. academic affairs'*. A quorum for Board meetings was set at eight with provision for four board meetings a year. Public relations and corporate image would be handled by UCEA officers and a small sub-committee was established to seek the co-location of CVCP and PCEF offices.

UCEA adopted a policy statement that included these key areas that informed the organisation's strategy for the following years:

9. It would be useless for representatives of employers to make agreements which those whom they represent are not willing to implement. Accordingly, the voluntary principle requires that employer representatives consult frequently with the actual employers and pay close attention to the likely acceptability to them of any bargain under discussion.
10. UCEA's policies on consultation are:
 - a) to circulate for consultation with institutions all trade union claims and initiatives by employers' sides and UCEA itself and take full account of responses before taking any action.
11. UCEA's policy on pay negotiations is:
 - a) to reflect the wishes of institutions themselves on the shape and level of pay settlements, particular account will be taken of those institutions affected by any proposed change.

The first location for UCEA offices was to be Kirkman House in Whitfield Street, W1. The original staff complement was 6.5 staff with Stephen Rouse (from the CVCP) as Director and CEO and Declan Leyden (from the PCEF) as Assistant Director and Company Secretary. By 31 October 1994, 86 institutions out of a potential 154 had sent in their subscriptions. The first chair was Professor Brian Fender (Vice-Chancellor of Keele University).

The range of service for subscribers envisaged for UCEA was wide-ranging:

- Information and advice
- Collective bargaining with trade unions
- Salary market surveys
- Professional legal advice and financial support
- Job classification arrangements (i.e. job evaluation)
- Professional updating for personnel staff
- Consultancy.

Labour sweeps to power with the mantra of 'Education, Education, Education' and the National Committee of Inquiry into Higher Education (Dearing) publishes its report, one of the 93 recommendations is the introduction of tuition fees.

1997

The Committee of Vice-Chancellors and Principals (CVCP) moves into the newly refurbished Woburn House and UCEA joins them. Paul Mackney is elected General Secretary of NATFHE.

The search for new bargaining structures

The first priority of the new employers' body was to begin a process of simplification and merger of the complex arrangements for determining pay and conditions for the various staff groups within HE. The major issue was not so much the coverage of bargaining (which staff were to be covered by which group and which unions were to be recognised for each group) but rather the scope and potential coverage of any collective bargaining. A major stumbling block was that in the pre-1992 universities sector bargaining for academic and related staff only covered salary uplifts while in the post-1992 sector, the agreement had covered both pay and conditions. For support staff there were different arrangements according to bargaining group. A report from the CVCP in 1993 had already laid the foundations for such simplification of bargaining in the universities sector and this provided a useful framework for later discussions.

UCEA inherited a complex pattern of collective bargaining arrangements within the HE sector, six bargaining groups in the old universities and three in the new universities and HE colleges in England and Wales – the Scottish post-1990 institutions were still to join.

'Old' universities

- Joint Negotiating Committee for Academic and Related Staff
- Clinical Academics Staff salaries Committee
- Joint Committee for Clerical and Certain Related Administrative Staffs
- Joint Committee for Manual and Ancillary Staffs
- Universities Joint Committee for Technical Staff
- Special Joint Committee for Computer Operating Staffs.

'New' universities and HE colleges

- Lecturers' National Negotiating Committee
- Administrative, Professional, Technical and Clerical Negotiating Committee
- Manual National Negotiating Committee.

The Fender Report

A pre-cursor to the later discussions about simplifying this complex structure was the CVCP's 1993 report, 'Promoting People: A strategic framework for the management and development of staff in UK universities', chaired by Professor Brian Fender. This report made several recommendations for the pre-1992 sector. These included:

- a replacement of all existing salary structures by a single integrated structure;
- that relevant conditions of service should be anchored to a step on the salary ladder and harmonised at that point between different staff groups;
- all conditions should be determined locally; an analytical job classification scheme covering all staff should be established;
- that universities should clarify their performance-related pay arrangements and consider rewarding the performance of teams; that national salary reviews should consist of both an X% increase in the salary ladder and a recommended additional Y% increase for locally agreed performance-related pay and non-pay benefits;
- that a national single-table bargaining system be created for all groups;
- that local single-table arrangements should be put in place at institutional level;
- and substantial investment should be made in staff communication systems.

1998

The Teaching and Higher Education Act receives assent.

The first means tested undergraduate fees of £1,000 are charged across the UK from September.

The report also stated that the *'Government should be persuaded not to become too involved in the personnel management policies of universities but should provide adequate funding for pay'*. Other recommendations were that the Government should set cash levels that permitted pay settlements *'which fall within the interquartile range of private sector pay settlements'* and that an independent pay advisory commission should be set up by the CVCP to chart pay and labour market trends and university recruitment, retention and motivation. Finally the report recommended that the human resource management capacity of institutions should be strengthened and universities should identify the concrete issue affecting fixed term staff and take action to bring their conditions into line with permanent staff.

Two stage process

It was agreed at an early stage in UCEA's life that the establishment of new collective bargaining arrangements for HE would take place in two stages. Stage one would only affect the employer arrangements and all joint negotiating arrangements with the unions would continue unchanged. A consultation would then take place on the future groupings of staff for collective bargaining purposes, the unions to be recognised for each group and what the scope of negotiations should include for each group. Stage two would only begin once agreement on future machinery had been reached among HEIs and with the unions. A major question surrounded the role of the national employers. Should their role be the traditional model of comprehensive collective bargaining and enforcement of the *'rules'* jointly with trade unions or a minimalist agreement with the provision of advice, information, surveys etc. to inform local bargaining?

Getting employer and union agreement

A major sticking point among the employers' side was the historic difference in the scope of collective bargaining between the old pre-1992 and the new post-1992 institutions. In the universities sector the tradition had been that

negotiations only covered salary increases and other terms and conditions were decided at institutional level (although the salary structure did prescribe a national grading system). In contrast, in the post-1992 universities and HE colleges the national agreements had covered both salaries and other terms and conditions and indeed in 1990 a new agreement had recently been reached in England and Wales for academic staff which replaced the previous national arrangements for FE and HE teachers and covered both pay and conditions. The pre-1992 universities were strongly resistant to the new arrangements covering ground that had not been conceded at national level in the past. The new post-1992 universities were happy with the proposal to just cover salary negotiations at national level because they were not happy with the 1990 agreement. Meanwhile the HE colleges through the Standing Conference of Colleges Principals (SCoP), were very reluctant to begin negotiating conditions of service at local level.

The unions in the post-1992 sector were also unhappy at the prospect of losing national bargaining over conditions of service, which they had negotiated only a few years before. The 1990 agreement for academic staff laid down a range of minimum and maximum conditions, especially annual and weekly *'class contact'* hours and annual leave of 35 days plus 25 days for *'scholarly activity'*, reflecting the previous entitlements for school teachers of 60 days' leave a year.

UCEA consultation

UCEA conducted several rounds of consultation with members during 1994 and 1995 on the issue of the future bargaining structure. Three options were posed: 1) No change to the existing bargaining groups 2) adopt the old universities system 3) blank page. The consultation asked: *'In the financial and organisational climate which is likely to exist over the next few years, what kinds of pay structures and processes would be most helpful to the realisation of the objectives of Higher Education Institutions?'* Professor Sir Michael Thompson, the Vice-Chancellor of the

1999

The first meeting of the Scottish Parliament takes place in May.

Sir Andrew Cubie leads the Cubie Committee, formed to look at the fee issue in Scotland.

University of Birmingham, wrote to UCEA to strongly endorse the view that *'the role of UCEA must be seen as being exclusively to conduct "minimalist negotiations" on pay on behalf of the subscribing institutions and within a brief which they determine'*.

The second round of consultation in 1995 posed four options: 1) continuation of existing groups 2) adoption of a single negotiating body 3) adoption of two negotiating bodies (academics/lecturers and others) and 4) the formation of new groupings of institutions to bargain with the unions. This consultation produced no clear steer for UCEA with subscribers divided equally between the first three options. A subsequent Board paper noted overwhelming support for change with a majority wanting conditions to be determined locally. However, it was also noted that they did *'not necessarily want to get into local negotiations with trade unions about these things and they most certainly don't want anyone to tell them that they ought to'*. It was also noted that it was time for UCEA to take a lead on the issue. It was suggested that progress should be made towards either a single or two bargaining units with all recognised unions and that a new single pay spine or spines be created to which existing salary points could be assimilated. It was recognised that the unions would have to accept that changes in conditions of service would no longer be made at national level. It was also suggested to the unions that they should also think about simplification of the bargaining arrangements for the 1996 negotiations. All unions – apart from the AUT - had agreed as part of their separate agreements with UCEA in 1995 that there was a commitment to discuss moving towards fewer negotiating bodies. The Board minutes noted that: *'It is clear that the current arrangements, which amount to "serial single table bargaining" cannot survive. It is becoming increasingly difficult to maintain them and the unions, the AUT perhaps excepted, are impatient for change'*.

Opposition to change

The unions' response to the employers' 1995 proposals, however, was a joint campaign against UCEA's attempt *'to limit the scope of national bargaining'*. All HE unions signed up to this campaign. NATFHE stated that: *'National pay scales together with normal incremental progression through those scales must be maintained ... Changes to the tried and tested pay and bargaining systems will only be achieved through consent'*.

The Universities Personnel Association (UPA), predecessor to Universities Human Resources (UHR), argued that it was premature to make a final decision on the number of bargaining units and the introduction of spinal columns although it was not opposed to the voluntary combination of bargaining units envisaged for the 1996 negotiations. It looked to the recently formed Universities Competences Consortium (COMCON) to devise a scheme that would allow institutions to assess the relative size of jobs before creating new grading structures. This implied that 1998 rather than 1997 would be the earliest date to effect major change. UCEA agreed that it would consult institutions again in the autumn of 1997 on the question of combining bargaining units.

There was to be no more progress towards a simplification of bargaining until the Independent Review of Higher Education Pay and Conditions, chaired by Sir Michael Bett, was to report in 1999.

Death of Donald Dewar,
First Minister of Scotland.

2000

In December CVCP is renamed
Universities UK.

The Bett Review

Following difficult negotiations in 1996 and 1997, with industrial action by the unions in 1996, progress towards a new bargaining system was still not agreed. The final catalyst for movement was the National Committee of Inquiry into Higher Education, chaired by Sir Ron Dearing, in 1997. Its report, 'Higher education in the Learning Society', covered a wide range of recommendations on the future direction of HE, including the introduction of student fees, but a key recommendation for UCEA was clear, that the HE employers appoint an independent review on the framework for determining pay and conditions. This in turn led to the creation of the Independent Review of Higher Education Pay and Conditions in 1998, to be chaired by Sir Michael Bett. The recommendations of the Bett Review in 1999 were important in driving forward reform of the sector's collective bargaining arrangements.

Following difficult and unresolved negotiations in 1996, a joint employer/union owned method for creating an independent assessment of the pay gap in HE was agreed. This was fed into the recently established Dearing Inquiry, agreed as part of the resolution of the 1996/1997 dispute. UCEA agreed to meet the cost of such a review with the unions contributing 10% to the cost. UCEA Board members were keen for the review to stress the advantages enjoyed in academic employment as well as pay levels. Lord Borrie QC was appointed as the independent chair of this review and Hay management consultancy was engaged to conduct pay relativities research. The Borrie report was completed in 1997 and a copy submitted to the Dearing Inquiry.

The Dearing Committee

The report of the National Committee of Inquiry into Higher Education, chaired by Sir Ron Dearing, was a major event in HE as it laid the foundations for the HE sector of the twenty-first century.

The Committee noted the report of the Borrie Independent Pay Commission but argued that this information had only been available towards the end of the Committee's work. It also noted that the findings indicated that the majority of HE staff, but by no means all, were paid substantially below comparable private and public sector market levels. It went on to say that, while there was clearly a relative decline in academic salaries over time, there had also been a marked increase in the proportion of senior posts. It stated that *'grading inflation may well have offset a relative decline in levels of salary for some staff'*. It identified the more fundamental issue as to *'whether or not the absolute level of pay is sufficient to recruit, motivate and retain staff of the required quality'*. The support staff unions had argued that the pay levels for manual and ancillary staff were unacceptably low but Dearing noted that *'in some areas national pay scales for manual and ancillary staff exceed local pay rates, leading institutions to contract out functions in order to achieve greatest effectiveness'*.

Dearing also noted that the present collective bargaining arrangements might not be appropriate and that the sector needed a more flexible approach that catered for the widening range of institutions and types of staff. Dearing described this as the worst of all possible worlds – the *'minimalist national agreements do not provide the detailed framework of terms and conditions needed by institutions'* but there was no incentive for institutions to develop their own frameworks. This, it was argued, inhibited the development of institutional human resource strategies. It noted, however, that *'few institutions are, at present, equipped to carry out local pay bargaining for academic staff'*. Three options had been put to the Committee for the future of pay determination for academic pay: national pay bargaining, local pay bargaining, or a statutory or standing independent pay review body.

2001

Estelle Morris is appointed as Secretary of State for Education.

The Committee concluded that: *'The issue of remuneration should not be looked at in isolation. Significant changes to ways of working will be needed as higher education responds to changing needs and opportunities'*. It went to make a specific recommendation (50) *'to the higher education employers that they appoint, after consultation with staff representatives, an independent review committee to report by April 1998 on the framework for determining pay and conditions'*, with the chair to be nominated by the Government. The Committee suggested that the independent pay review committee should consider both the framework for negotiating pay and terms and conditions as well as whether the pay levels, for all or any group, needed adjustment. UCEA now serviced ten bargaining groups in HE as the employers of the academic and library staff in Scottish post-1992 institutions had since joined UCEA.

Formation of the Bett Review

There was widespread concern among the HE employers about Dearing's recommendation, with worries that such a committee might make recommendations that were unfunded by central Government and which might be used to extend the role of national collective bargaining in areas such as conditions of service. Nonetheless, UCEA took forward Recommendation 50 and, after consultation across the sector, constituted the Independent Review of Higher Education with its terms of reference exactly the same as those in the Dearing Report. The Government facilitated the selection of the chair, Sir Michael Bett, and the rest of the committee comprised five further independent members (one nominated by the TUC); five nominees of the sector's employers and five nominees of the main trade unions representing staff in HE. The Committee met for the first time on 26 February 1998 and on a further 22 occasions over the next 15 months. It was funded through a special subscription from HEIs levied by UCEA. It received support from the Department for Education and Science and the Office of Manpower Economics, which subsidised the salary and office costs of the secretariat, and

from HEFCE which provided a grant towards the cost of research.

Two sub-committees of the Bett Review were established – one to look at Scottish HEIs and the other for Clinical Academics. A Data sub-group was also established to advise on information about HE staff numbers and salaries, and to oversee surveys undertaken by the Review. Some 600 organisations were invited to submit evidence and submissions were received from over 200 organisations and individuals. This evidence covered a wide variety of issues. Both written and oral evidence was taken. The committee noted that it was *'from an early stage surprised and disappointed by the limitations on the data available to inform national consideration of pay and related issues'*. The secretariat undertook a major survey of staff numbers, grading and pay levels of HE staff to which three-quarters of HEIs responded. A second smaller-scale survey provided data on recruitment and retention and a third study was commissioned from Hay management consultants comparing levels of pay for HE staff with those available elsewhere in the private and public sectors.

The recommendations

The 300 plus page report of the Bett Review was published in May 1999. There were 61 recommendations in total, with the main ones as follows:

- HE should retain a broad national framework for the determination of pay and conditions but with the freedoms for individual institutions to adapt the detail.
- The present ten bargaining groups should be replaced by a National Council.
- The National Council should have substantial negotiating, consultative and advisory functions.
- The National Council should have two sub-councils – academic and non-academic.
- In the first instance, pay bargaining should be conducted in the sub-councils, with this being reviewed after three years.
- There should be a neutral independent chair for the National Council and its sub-councils.

The DfEE becomes the Department for Education and Skills (DfES) and the first Scottish students start their fee free degrees following the Cubie Committee recommendations.

- The National Council should consider introducing two closely-linked pay spines – one for academic staff and one for non-academic staff.
- Negotiators should consider a 5 grade structure for academic staff and an 8 grade structure for non-academic staff.
- The pay structure for non-academic staff should include rewards for merit and achievement, responsibilities and acquired competences, as well as valuing experience gained in the first few years' service in a grade.
- Job evaluation, or some other job analysis and ranking system, would be essential for the sorts of reforms outlined.
- HE institutions would need flexibility to respond to market factors where pay rates vary significantly from national norms.
- The pay and conditions of HE senior staff should continue to be settled at institutional level, though with greater transparency of process.
- The National Council should seek to negotiate a common core of minimum conditions of service, including for part-time staff, implemented through local, institutional level, negotiations.
- The National Council should look positively at shortening the working week for manual workers.
- There should be a common baseline of working time arrangements for academic staff.
- There was scope for HEIs to reduce their use of fixed-term and casual employment.
- Present superannuation arrangements should be considered further by all interested parties.
- A Scottish Committee should be established to advise the National Council but all HE staff in Scotland should be covered by a common UK framework.
- The academic sub-council should constitute a special committee to deal with pay and conditions for clinical academic staff.

Dave Prentis becomes
General Secretary of UNISON.

2001

The creation of JNCHES

The reaction to the Bett Review recommendations in 1999 was mixed. The UCEA Board minutes stated that the *'Bett Report is very much a compromise report based on a pragmatic approach – it was on that basis that a single unanimous report has been achieved'*. While the general press reaction had been positive and many Heads of Institutions and HR directors had welcomed the review as a foundation for change, there were criticisms of the report. A consultation exercise was conducted by UCEA on the Bett recommendations and a number of views were obtained from key stakeholder groups, including mission groups and individual institutions. Neither the employers' side nor the unions were completely satisfied with the outcome. The employers were divided over the issue of the scope of what would be covered by the new negotiating arrangements and whether to have separate arrangements for academic and support staff. Some of the trade unions were concerned about the possibility of losing nationally negotiated terms and conditions. Progress towards a solution was to take another three years but with the help of the Trades Union Congress (TUC), and particularly its then Deputy General Secretary, Brendan Barber, agreement was finally reached in 2001 on new national bargaining arrangements.

Following the Bett Review, the UCEA Board considered the recommendations and drew up a comparison with the UCEA submission's proposals. The main differences were that UCEA wanted a single pay spine for all groups whereas Bett had recommended separation of the academic and non-academic staff on to two 'closely linked' pay spines; UCEA wanted salary grades to be determined at institutional level while Bett recommended a national grading structure for academic staff; UCEA wanted pay progression within grades to be determined locally while Bett suggested a

national model based on a combination of service, qualifications, additional responsibilities, merit and achievement; UCEA wanted institutions to be able to price their own grades while Bett indicated grade minima should be set, particularly for academic staff; UCEA wished the sector to decide whether to have a core of minimum conditions determined nationally while Bett recommended a core of minimum conditions to which all HE would be entitled; and, finally, UCEA had identified superannuation arrangements as a major issue to be considered while Bett argued that there should be harmonisation of pension arrangements to reduce apparent inequities.

In a UCEA Board paper in 1999, entitled 'The Bett Report – The Way forward', three main criticisms of the report were identified from a consultation exercise: 1) the report was over prescriptive and focused at national level *'in a world that is going in the other direction'*; 2) the suggested two-spine approach was seen as sending the wrong signals to support staff and being counter to the ethos of promoting team working and removing artificial barriers; 3) the negotiation of national minimum terms and conditions was seen as threatening particularly the pre-1992 universities who for some time had determined their own terms and conditions and where for academic and related staff there were no national conditions. Educational Competencies Consortium (ECC), the successor to COMCON, which had been developing the Higher Education Role Analysis (HERA) job evaluation scheme was keen for UCEA to recommend their scheme for the sector. There was also concern among HR directors in Scotland that the suggested separate Scottish Committee would require careful coordination with the arrangements in England, Wales and Northern Ireland. In February 2000 the Board was informed that all the Scottish post-1992 institutions covered by the Conference of Scottish Centrally Funded Colleges (CSCFC) had now joined UCEA.

2002

Teachers' Pension Scheme employer contributions are raised from 8.35% to 14%.

Sally Hunt becomes General Secretary of AUT.

The Board paper stated that: *'The nature of the report is that it suggests a framework for the future. It is not a detailed and specific blueprint, but it does suggest a number of key principles for the future'*. It went on: *'A key point to remember is that the nature of future negotiations would be the same as at present, i.e. they would lead to recommendations which would be expected to be honoured by individual institutions but which would neither be mandatory nor binding, except for institutions who have incorporated national agreements in their own individual contracts of employment. The position on institutional autonomy would be entirely unchanged by the Bett recommendations'*. It was reported that the trade union response had been fairly muted but that the support staff unions appeared to have accepted the report in principle.

The UCEA Board was presented with four options: 1) reject the whole report; 2) 'cherry pick' through all 61 recommendations and seek a detailed mandate for UCEA negotiators on an item by item basis; 3) seek to backtrack on one or two main items where there was a clear UCEA view; 4) accept the report as a whole and use it as the basis to secure more money from the Government for HE pay. In particular Option 4 suggested moving forward on establishing the national council and sub-councils and to move on the issue of equal pay for work of equal value by starting the process of job evaluation. Option 4 was the recommended option.

The first meeting with the trade unions to discuss the proposed National Council was held on 18 November 1999. UCEA had informed the unions that it was still consulting with its members about the Bett recommendations and that this was an ad hoc meeting with no commitments to the future. All the unions were invited to join together for the purpose of negotiating the 2000/2001 agreement but the AUT declined. The TUC was invited to perform a coordinating role for the union side. It was agreed that the pay negotiations for 2000/2001 pay round would be undertaken on the existing basis of separate bargaining groups. As

part of the Memorandum of Understanding with the AUT, which had been signed to resolve the 1996/97 dispute, it had been agreed to set up an all-union working group on fixed-term and casual employment. This met on 22 November 1999.

Reaching final agreement

In October 2000 a letter from the UCEA chair and Vice-Chancellor of the University of Liverpool, Professor Philip Love, informed UCEA subscribers that three meetings had taken place with the unions, which were being coordinated by Brendan Barber from the TUC. Professor Love informed members that, whilst some progress had been made, the talks had become bogged down by the issue of national versus local terms and conditions. All the unions, apart from the AUT, wanted these determined nationally. It was reported that the TUC had proposed tackling the issue in two stages – first to finalise the details of the new machinery and get agreement on those and then to move to a second stage when the issue of how existing agreements would be handled. UCEA's further consultation found no enthusiasm among its members for the TUC approach and it duly informed the unions of this view. However, the UCEA Board remained strongly of the view that by far the best way forward would be to include in the proposed remit for the National Joint Council a reference to *'minimum'* terms and conditions. In particular it was stressed that failure to deliver an agreement with the unions might jeopardise any Government decision to fund the Bett recommendations.

The unions were also threatening industrial action over the lack of progress. A way out of the deadlock was suggested by Brendan Barber who had provided a helpful suggestion for a possible wording in the agreement by adding the words *'and inherited conditions'* to the scope of negotiations. This would indicate that any new arrangements would not cover those institutions that currently negotiated conditions locally. A final draft of the new negotiating machinery was again considered by the membership.

The Labour Party retains control of the Welsh Assembly; Labour and the Liberal Democrat coalition win majority in the Scottish Parliament.

By February 2001 the Board was informed of the results of a further member consultation exercise. Out of 107 HEI responses, 73% had accepted the proposed new National Joint Council. The removal of the deadlock on the new national bargaining arrangements saw the unions call off their industrial action. The 2001 pay agreement included an agreement to set up new national negotiating machinery from 1 August 2001, the creation of a single pay spine based on existing pay points with a view to implementation of the new national pay spine from 1 August 2001 and joint discussions on job evaluation and other techniques to tackle equal pay.

The Final Agreement

The Final Agreement on Pay and New Industrial Relations Machinery was signed on 25 June 2001. Section 1 of the agreement set out the new negotiating structures so that the existing ten negotiating bodies would be merged to form a single national Joint Negotiating Committee for Higher Education Staff (JNCHES). This would begin from 1 August 2001 and the existing machinery would be formally wound up from that date. JNCHES would have 41 members (20 employer and 20 union) and there would be an independent chair Mary Stacey, Deputy Chair of the Central Arbitration Committee, to take on this role for a three-year period. It was agreed that there would be two sub-committees – 1) academic staff and 2) professional, technical, administrative and ancillary staff. There would also be a Scottish sub-committee and a Clinical Academic Staff Salaries Committee. Existing national agreements would transfer to JNCHES and its sub-committees. Three joint working parties (JWPs) were to be established on the following matters:

- A new single pay spine for all staff in the sector by March 2002. A JWP would be established to develop proposals on new pay structures for all staff except clinical academics.
- Equal pay for work of equal value. A JWP would be established to produce advice and guidance on equal pay audits.

- A JWP on modernisation issues arising from the Bett report. One element of the work was to be a sub-group on the national contract for lecturing staff in post-1992 institutions.

A joint secretariat for JNCHES was to be established with employer and union joint secretaries. An important role for the secretariat would be the *'need to remedy the serious deficiencies on data on higher education staff and their pay'*. It was envisaged that the Office of Manpower Economics (OME) would provide this service. A remit was also established for the Scottish sub-committee.

At the launch of JNCHES Estelle Morris, the Secretary of State for Education, announced that the Department would provide £300,000 pump-priming funding for JNCHES for the first three years.

UCEA Timeline:

a selection of the work and a summary
of related sector activities straddling
UCEA's existence over three decades

The nineties

1994: UCEA established through merger of the salaries and benefits team of the Committee of Vice-Chancellors and Principals (CVCP) and the Polytechnics and Colleges Employers Forum (PCEF).

1995: Competences Consortium established with 105 founder members to create new HE role analysis and job evaluation scheme.

1996: Consultation on new bargaining structures undertaken • Industrial action by AUT • No pay agreement reached and increase imposed by employers. **1997:** UCEA moves to Woburn House • Dearing report suggests an independent review on pay and bargaining • An Independent commission on HE pay and bargaining announced as part of the resolution of the 1996/1997 pay dispute. **1998:** Sir Michael Bett appointed chair of the independent pay review • UCEA Health and Safety Working Group established with new terms of reference • Discussions with unions on casualisation • First meeting for the clinical academics sub-committee. **1999:** Bett Committee report published • AUT threatens industrial action if Bett recommendations are not met while Government makes clear it will not fund recommendations • Board agrees joint UCEA/union approach to race equality in HE following the Stephen Lawrence Inquiry report and report from Policy Studies Institute (PSI) on Ethnicity and Employment in HE.

20th Anniversary: History of UCEA

2000: Sector disagreements over the way forward with Bett Review recommendations • A Trade Union Working group, chaired by Brendan Barber, is established by the HE trade unions to agree union position • Scottish Committee of UCEA established following the abolition of the separate Conference of Scottish Centrally Funded Colleges (CSCFC) • Report on recruitment and retention in HE published • A UCEA Consultative Forum established • 'Equal Opportunities in Employment in HE: A Framework for Partnership' published. **2001:** Member consultation indicates majority in favour of new bargaining machinery and trade unions call off industrial action • New national negotiating machinery agreed alongside the creation of a provisional single pay spine • JNCHES, to be chaired by Mary Stacey (Deputy Chair of the CAC), is launched by Secretary of State for Education with a promise of seed corn funding. **2002:** AUT refuses to endorse the joint employer/trade union guidance on role analysis/job evaluation • New NHS Consultant Contract has implications for clinical academics. **2003:** White Paper on 'The Future of Higher Education' includes a number of intentions concerning pay and HRM • Draft Framework Agreement for the Modernisation of Higher Education Pay Structures tabled with NATFHE's provisional agreement but AUT more hostile • JNCHES/ECU Higher Education Race Equality Consultation Project begins, chaired by Professor Sir David Melville. **2004:** All unions sign up to the Framework Agreement with AUT signing after agreeing a Memorandum of Understanding • UCEA Five Year Strategy developed • Review of JNCHES machinery seeks a single table arrangement. **2005:** First HEFCE Higher Education Workforce in England report published • JNCHES agrees to establish an Equalities Forum • A joint UCEA/ECU Working Group on AgeDiscrimination is formed • UCU accepts the pay offer - this is the last time it will do so without an industrial dispute or use of the disputes procedure until 2012 • Academic unions submit 2006 pay claim in late 2005, seeking a commitment that at least one-third of the sector's additional income from new student fees will be spent on improving staff pay and conditions.

The noughties

2006: Major pay dispute with academic unions over the claim for 'one third' of all new HE income from student top-up fees to go on pay increases includes a three-month boycott on setting and marking exams • Dispute ends in June with agreement for a three year, five stage increase over the period 1 August 2006 to 1 October 2008 eventually worth 15.8% in total • HEFCE-funded JNCHES 'Working in Partnership' Project launched • Steering group to determine a 10 year pensions strategy for HE formed with HEFCE funding • 1% increase in TPS employer contributions from September 2006 • New NHS Consultant Contract requires amendment to Clinical Academic contract. **2007:** UCEA Consultative Forum gives strong support for UCEA to expand its communications resource during any future dispute – UCEA Communications Strategy Work Group is formed • The Employers Pensions Forum (EPF) is established by GuildHE, UCEA and Universities UK • Agreement on New JNCHES constitution by all unions except UCU • First meeting of the New JNCHES Finance and Pay Data Review. **2008:** Initial report on pension provision in the HE sector, by Peter Thompson, is published • Consultation with members on future pensions strategy • UCEA and USHA jointly publish 'Leading Health and Safety at Work', a guide for Heads of Institutions and members of university governing bodies • A new UCEA Strategic Plan is adopted • USS triennial valuation shows a surplus of £707.3 million. **2009:** New JNCHES begins without UCU's formal participation as it threatens industrial action over its objection (and its 2009 pay claim) but this is averted after all the unions and UCEA agree to a 'Statement of Implementation' with UCU joining the single table arrangements • All unions sign off report of the JNCHES Finance and Pay Data Review • First major UCEA background briefing for pay consultation produced • The EPF sets up a SATs working group • UCEA Strategic Plan 2009/2011 disseminated to members • Acas meetings discuss all unions' concerns about job security • UCEA issues document on Handling Job Losses and a working group on sustainability is proposed to the unions • USS employer contribution rate rises from 14% to 16% • Pay agreement for 2009/10 provides for a 0.5% increase and the establishment of joint working groups on the Pay Framework and Data Research; Equality; and Sustainability.

20th Anniversary: History of UCEA

2010: Publication of 'Acas Digest on Job Security' - a reference document for HE institutions with input from UCEA and the unions - resolves the 2009/10 pay round • The 2010/11 pay round sees unions submit a joint pay claim for all five unions for the first time • UCEA 'Guide to Employment of Clinical Academics' published • First meeting of a UCEA Board Advisory Group on future bargaining approaches. Second HEFCE Workforce Report published • A pensions support network established by UCEA with EPF's USS and LG&TS groups being established • UCEA's new Health and Safety Plan for 2011/15 is developed. EPF publishes 'Self-Administered Trusts: Some options for institutions' and submits evidence to the Hutton Review of public sector pensions • Hutton Fair Pay Review established with CUC/UCEA/UUK providing evidence. **2011:** New JNCHES Equalities Working Group (EWG) completes three pieces of research on equal pay and the gender pay gap • The JNCHES Sustainability Working Group publishes a 'Guide to Higher Education Finance' • EIS and UCU in dispute over 2010 pay offer and job security - Acas talks take place but pay offer of 0.4% for 2010/11 is implemented without UCU and EIS agreement • USS triennial valuation shows a deficit of £2.9bn • UCU announces industrial action in three separate disputes over changes to the TPS, changes to USS and failure by UCEA to agree a job security agreement • UCU accepts the 2011 pay offer for £150 flat rate sum but support unions reject and declare a dispute • JNCHES Sustainability working group publishes a compendium of case studies of workforce change, highlighting good practice, and a joint statement of 'Values in Higher Education' • The 2011 pay offer also offers to work collaboratively with the unions on the impact of the Equality Working Group's recommendations; an update of the JNCHES guidance on work-life balance and an update of the pay data collected for the 2008 JNCHES Finance and Pay Data Review.

The tens and teenies

2012: The pay round for 2011/12 ends with a £150 flat rate increase with Unite later standing down its threat of 'action short of a strike' over the deal and joining negotiations for 2012/13 • The pay offer also offered joint work to remind institutions of the 2009/10 EWC recommendations; to conduct a survey of the impact of the EWG recommendations; and to engage with the ECU to explore approaches to disability leave within the sector • All five unions have mandates for various forms of industrial action over pensions reform • New JNCHES Training and Development Forum holds its first meeting and launches equal pay review survey • UCEA Strategic Plan 2012/15 is disseminated to members, this is followed by communications and research plans • First UCEA international conference, in conjunction with its Australian and Canadian partner organisations, takes place in London in July • Review of New JNCHES machinery begins • UCEA toolkit on employing staff internationally published • New Clinical Academic Appraisal Process introduced • First UCEA Sickness Absence Survey report published.

2013: JNCHES Review concludes with modest changes to its constitution on union representation and union side chair • No agreement on 2013/14 pay offer of 1% and all unions ballot for industrial action, except GMB which accepts offer • Unions begin various forms of industrial action against the 2013/14 pay offer starting on 31 October as the first of three one day strikes, plus three two-hour stoppages and threat of an assessment boycott from by UCU and EIS • UCEA advises members to pay the 1% increase in December, despite failure to agree by four unions • First UCEA Research Strategy document published • UCEA/UHR Employee Engagement Toolkit produced • UCEA conducts membership survey • UCEA submits evidence to BIS review of zero hours contracts • UCEA wins EU Social Partnership funding for work on early career researchers through European education employers and unions dialogue. **2014:** Industrial action by all unions except GMB continues during January to March with threat of UCU assessment boycott from late April • Exploratory talks in March lead to an acceleration in the timetable for the 2014/15 negotiations • All unions submit a joint claim for 2014/15 on 20 March • UCEA makes final offer of 2% (plus extra on bottom point) on 15 April and unions accept and also agree to end their dispute over the 1% 2013/14 deal in May • New LGPS 2014 came into force providing benefits on a career average basis • Second UCEA international conference (hosted by Canadian partner organisation) announced for Vancouver in October 2014.

2004 Framework Agreement

The establishment of JNCHES in 2001 laid the foundations for progress towards single-table negotiations and the development of a new national framework for institutional agreements. Once again, progress was slow towards a new agreement with different views from the various unions on the way forward. In general the support staff unions were keen to progress towards a single agreement and harmonisation of the existing arrangements for academic and support staff. A draft agreement with the unions was reached in July 2003 but the academic unions took longer to agree. The main union in the post-1992 sector, NATFHE, was pragmatic in its approach but was unhappy about the absence of national grading structures. The AUT also proved to be resistant to changes for academic staff in the pre-1992 institutions, threatening industrial action. An agreement with NATFHE and EIS was reached on 4 March 2004 and final agreement was reached through a Memorandum of Understanding (MoU) with the AUT on 16 March 2004. While the Framework Agreement provided for a national pay spine, virtually all other matters were to be negotiated at institutional level, albeit with detailed joint guidance.

JNCHES negotiations

A key part of the agreement establishing JNCHES was the intention to create new HE bargaining machinery along the lines proposed by the Bett report. JNCHES issued a jointly agreed statement on 19 March 2002 outlining progress on key issues agreed and identifying where agreement was still to be reached. The 2002 statement indicated that both sides had reached agreement on the concept of a new single pay spine and of new pay and grading structures linked to this spine, with the aim of reaching agreement by July 2002. A timetable was to be agreed for the adoption of new pay structures within the

framework of a national agreement. An interim pay spine was to be adopted from August 2002 with negotiations on that basis from 2002/03. Joint guidance had been formulated on equal pay audits and institutions were encouraged to undertake such audits. Joint national guidance was also planned on the use of role analysis job evaluation, with the recommendation to HEIs to use a single scheme for all staff. Subject to improvements arising from trials of the HERA system, HERA was to be recommended as the scheme to be used in HE. The detailed application of job evaluation within each institution was to be agreed in partnership with the unions, taking account of national guidance. Discussions would also continue on other matters including the modernisation of the 1990 contract in post-1992 universities, necessary revisions of arrangements for fixed-term and casual employment to reflect legislative changes and a reduction in working hours for manual staff. The AUT did not sign up to the points covering role analysis/job evaluation.

A press release from JNCHES on 20 March 2002 announced *'a significant breakthrough'* in national negotiations for HE staff following the agreement of *'groundbreaking new guidance on equal pay audits and on job evaluation/role analysis'*, the introduction of a single pay spine and grading structures linked to it and agreement to progress discussions on fixed-term and casual contracts, working hours for manual staff and modernisation of the contract for post-1992 academic staff. The independent chair, Mary Stacey, stated that *'JNCHES has produced the first ever sector-wide approach to equal pay auditing'*.

By February 2003 the UCEA Board was informed that fieldwork on pay structures and grading had been undertaken and an employers' paper on future pay progression options had been *'received fairly well by the unions ... indeed they seemed*

2004

The Higher Education Act 2004 is given Royal Assent to enable the increase in fees during July.

Agenda for Change, the modernisation of pay in the NHS, is agreed by Government and the trade unions.

resigned to the likelihood of the imminent HE White Paper linking funds for pay reform with staff performance'. However, agreement on the future shape of grading structures remained in contention with the unions. A letter from the union side on 22 May 2003 made clear that they wished grading structures to be agreed nationally, underpinned by analytical job evaluation to ensure 'equal pay for work of equal value'. It was also reported that the AUT was developing its own alternative job evaluation tool. Despite these problems, the June 2003 UCEA Board was presented with a draft of what was to become known as the 'Framework Agreement'.

At the July 2003 Board it was reported that consultation with members had indicated that 40% of institutions could complete job evaluation by 2004 and a further 40% by 2005 but few were ready to introduce new structures in 2003. It was also reported that a key sticking point with the unions was grading, where the unions wanted national or 'recommended' structures and pay progression systems. By October 2003 NATFHE had provisionally agreed the draft agreement (dated July 2003) but the AUT remained hostile and in December 2003 it was reported that the four support unions, Amicus, GMB, TGWU and UNISON, had all received positive responses to member consultation on the Framework Agreement and that NATFHE was planning to ballot its members.

Reaching agreement

On 4 March 2004 meetings of both JNCHES and its academic staff sub-committee achieved a successful resolution with NATFHE and EIS on all their outstanding issues. NATFHE agreed to ballot its members with a recommendation to accept and EIS made a similar recommendation to their executive. Agreement was reached on the basis that JNCHES would issue joint guidance on pay progression and contribution-related pay and for the pay of hourly-paid lecturers in post-1992 institutions. A library of indicative role profiles for academic staff and guidance on their use would also be issued. The Scottish

post-1992 institutions agreed a separate MoU with the EIS to assuage its concerns about the possible disadvantage in the career earnings of its members under the new agreement. UCEA announced to its members that once it had agreement from NATFHE and the EIS it would be recommending all institutions without AUT representation to implement the agreement. The AUT remained opposed to the agreement and UCEA advised members not to implement the 2003 pay increase until they had agreed with the AUT locally on implementing the Framework Agreement. The TUC had again become involved to help remove the deadlock and it was hoped that a resolution could be found.

Final agreement with the AUT was reached on 16 March 2004 when a separate MoU was reached regarding transition to the new pay spine. It was agreed that the new local arrangements for academic and related staff in pre-1992 institutions would *'be designed with the intention- as far as practicable and foreseeable - of avoiding detriment to the present pay progression expectations of academic and related staff'*. The MoU also addressed AUT concerns about the future treatment of academic-related staff. In return the AUT agreed to end its industrial action. The MoU stated that *'UCEA recognises that restoring good industrial relations with the AUT and its members is a priority'*. It was acknowledged that the agreements reached on 16 December 2003 and 4 March 2004 did not include the AUT as a signatory union and that there would be further contact on these issues. The MoU caused some concern with the other five unions who suspected that the AUT had won extra concessions. The AUT had claimed that it was worth an added 12% for its members but a letter from Brendan Barber on 23 March to the other five unions made it clear that no additional money for AUT members would result from this memorandum.

2005

Paul Kenny becomes Acting General Secretary of GMB, elected as General Secretary in May 2006.

Bill Rammell appointed Minister of State for Higher Education.

The key elements of the Agreement

The key elements of the Framework Agreement were as follows:

- A single 51 point pay spine for all staff, to be reviewed nationally each year from 1 August.
- All institutions would implement new single grading structures for all staff using the national guidance. A 'commended' model grading structure was provided in Appendix C of the guidance.
- A library of role profiles would be established to assist institutions in designing their new grading systems.
- HEIs would make available suitable training and development opportunities for all staff, irrespective of their present grades or career pathways and operate regular development reviews for all staff.
- Progression between grades was to be on an equitable and transparent basis.
- All staff would have pay progression opportunities within the pay range for their grade and progression would be designed to offer equal opportunities and to reward the acquisition of experience and contribution.
- Progression within grade would depend in part on an individual's length of service in the grade and in part on an assessment of their contribution, although staff will have a normal expectation of annual progression up to the contribution threshold for their grade, subject exceptionally to established procedures for dealing with performance problems.
- HEIs were recommended to harmonise the length of the standard working week for all staff with a defined working week – in particular resulting in a reduction in the nationally agreed hours for manual staff by no later than 1 August 2005.
- Institutions would be able to supplement pay rates for each grade for some or all staff where labour market conditions dictated.
- Unless otherwise agreed, determination of London Weighting would remain within the national negotiating arrangements.

- Action to foster more equal opportunities and to ensure delivery of equal pay for work of equal value was to be at the heart of the agreement and needed to underpin its implementation at local level.
- Arrangements for payment of bonuses, honoraria, responsibility allowances and other non-consolidated payments were to be operated with due regard to these equality principles.
- All institutions were to work in partnership with their trade unions on the local detail of the various aspects of the new pay structures. In some cases new or revised joint local machinery might be needed.

The Agreement also included the following nine appendices:

- A Principles for the determination and implementation of pay and grading structures
- B New single pay spine
- C A model pay structure
- D Pay progression within grades
- E Guidelines for use of attraction and retention premia
- F Assimilation of individual staff to new pay structures
- G Interim pay spine and associated pay scales
- H Superseded national agreements
- I Present and planned JNCHES guidance.

Implementation

UCEA conducted its own evaluation of the implementation of the agreement in 2007. This indicated that the median anticipated cost of implementation was estimated at 3% extra on the pay bill and that the actual outturn figure was also 3%. The range of paybill increases varied from 1% at three institutions to over 10% at one institution. The mean cost identified was 3.5%. Most staff received an additional 1.5% increase in pay as a result of transferring to the new pay spine.

Formation of University and College Union (UCU) by the amalgamation AUT and NATFHE.

2006

The 2006 dispute and agreement

Following the JNCHES pay agreement for 3% (with bottom weighting for the lowest paid) from 1 August 2005 the academic unions announced that they would be expecting a bigger increase in 2006 to reflect the increase in tuition fees to £3,000. A pay claim for August 2006 was duly delivered by the academic unions in October 2005. The joint claim from the AUT, EIS and NATFHE argued that new money would be coming into the sector in England and Northern Ireland from 2006 and Wales in 2007, while in Scotland extra compensatory grant had been allocated for 2006. Citing a speech by the former higher education minister, Alan Johnson, they sought an undertaking that *'at least a third of that money will be put back into the salaries and conditions of staff'*. The claim was accompanied by a threat of industrial action if the employers failed to respond positively to this claim. The 2006 negotiations turned into the most difficult for UCEA and its members and over three months of headline making industrial action was taken by the academic unions. The dispute was complicated by differences between, and finally the merger of, the two main academic unions during the dispute and the end of multi-employer bargaining became a real possibility. The final resolution was a three-year staged agreement with its final stage linked to the rate of inflation from September 2008. This agreement also led to a commitment by both sides to set up a review of both the JNCHES machinery and of HE finance and pay data to inform future negotiations. UCEA also set up an internal review with members of future bargaining arrangements.

The conclusion to the 2005 pay negotiations was an increase of 3% which the unions reluctantly accepted. The academic unions made it clear that they would be expecting more in 2006 when new money would be coming into the sector from the increase in student fees. The academic unions'

pay claim, submitted on 6 October 2005, pointed to the introduction of variable top-up fees payable by under-graduates which the Prime Minister had acknowledged *'was intended to bring additional funding into the sector for improvements to pay, as well as other items'*. In Scotland extra compensatory grant had been allocated to make up for the extra income available in the rest of the UK from top up fees.

The academic unions' claim

The early claim noted the statement of the former HE Minister Alan Johnson in the House of Commons on 29 April 2004 that: *'University Vice-Chancellors tell us that, in general, at least a third of that money will be put back into the salaries and conditions of their staff. That will make an enormous contribution in tackling a very serious and deep-seated problem'*. The AUT and NATFHE sought an understanding from UCEA and each of its constituent employers that the *'commitments'* given to Alan Johnson would be honoured.

The AUT and EIS were also seeking an undertaking by UCEA and the Scottish employers that the increased funding for the sector in Scotland would be used for pay purposes. The claim was accompanied by a threat that failure to provide this commitment would send a clear message to staff within the sector. The unions argued that: *'An adequate proportion of new income derived from top up fees and other sources must be used to improve pay. This proportion must be at least a third of all new income within the sector ... We should be clear that a failure to respond positively and provide these commitments will lead to the existence of a trade dispute between us'*.

2007

Sally Hunt elected General Secretary of the newly formed UCU and Amicus merge with the Transport and General Workers Union to form Unite the Union.

Start of the liquidity crisis and first failures of financial institutions.

The Department for Innovation, Universities and Skills is created, John Denham is the first Secretary of State.

On 2 December, some eight months before the settlement date, the AUT declared a dispute, citing the failure of UCEA to respond to their claim. They also announced plans to merge with NATFHE. The unions took out a full-page advert in the Times Higher Education Supplement (THES) to promote their claim. UCEA announced that it was prepared to discuss investment in staff but that the *'amounts that individual institutions will have available for pay are likely to vary significantly'*, making a simple claim for a third of all new money nonsensical. Another issue for UCEA was that the support unions had been taken by surprise by the academic union campaign and were not ready to submit their claim at this early stage.

The dispute

On 10 January a meeting did take place with UCEA but the employers refused to negotiate while there was a threat of industrial action. In the meantime NATFHE had also declared a dispute. In mid-January the two main academic unions confirmed that they would ballot members about taking combined industrial action as early as March. The *'third of all new money'* claim had now been quantified as a 23% pay increase over a three year period, comprising both *'catch-up'* and *'keep-up'* elements linked to general public sector pay movements. The unions costed this as £1.8 billion while they estimated the new fee income would be £3.4 billion over the next three years.

UCEA stated that, even though the revised and more detailed claim had been submitted very late, it had been willing to *'negotiate positively'* but had been rebuffed. Dr Geoffrey Copland, Vice-Chancellor of the University of Westminster and Chair of UCEA, said that *'unfortunately the academic unions flatly refused to engage in such negotiation, preferring to proceed with their pre-planned industrial action'*.

In early February UCEA wrote to the two main academic unions offering to resume talks but on condition that the unions did not go ahead with industrial action. UCEA also made the point that it was hard to produce a firm offer when support staff unions, representing more than half of HE staff, had not submitted a pay claim. UCEA also indicated that, apart from the £20 million set aside for widening participation, the sums quoted by the unions were not new but were the same as those set out in the Comprehensive Spending Review the previous year. Any increase above 2.5% would require an increase in the staff-student ratio. UCEA also argued that including research income in the figures was problematic because this was concentrated in certain institutions.

In late February it was announced that both AUT and NATFHE members had voted with a high percentage for industrial action, starting with a one day strike on 7 March 2006 followed by a continuous boycott of all examinations and assessment. UCEA commented that the size of the vote, with about 24,000 academics endorsing the action, represented less than 10% of all HE employees.

At this point a tactical difference about the form of industrial action emerged between the two unions. The AUT had instructed its members not to set exams while NATFHE had agreed to continue to set and invigilate exams, relying on the so-called *'mark and park'* tactic whereby student assessment would continue but no marks would be released until the dispute ended. The AUT guidance indicated that: *'Members should not set examinations, invigilate examinations, mark papers, essays, projects, provide informal guidance to students with regard to their mark, grade or assessed progress or process marks'*. The National Union of Students (NUS) expressed its dismay at the AUT tactic of not setting examinations. UCEA wrote to the two academic unions offering to bring forward the formal negotiations to 28 March.

The Graduate Endowment Abolition (Scotland) Bill restores free higher education in Scotland.

David Lammy is appointed Minister of State for Higher Education.

2008

When the formal negotiations with all unions began on 28 March, academic unions (but not the EIS) were excluded from the talks because they would not give an undertaking to cease their industrial action during the duration of the negotiations. UCEA said that it would make a pay offer after receiving pay claims from the support staff unions. UCEA's offer was a two year deal, worth 3% in each year.

An informal meeting with the union officers was scheduled for 18 April in the hope that a way out of the deadlock could be agreed by the next negotiating meeting on 25 April. UCEA's position was backed by a meeting of university registrars who argued that there could be no improvement in the 6% offer. David Allen, Registrar of the University of Exeter, was quoted in the THES as saying that: *'Institutions are already having to increase pay budgets by 7 to 8% to implement local agreements over the new pay framework and for pensions'*.

National bargaining under threat

As the dispute intensified, a number of Vice-Chancellors were quoted as saying that it could lead to the collapse of national multi-employer bargaining. Some were prepared to cut local deals to extricate themselves from the dispute. Professor Paul Light, the Vice-Chancellor of the University of Winchester, had offered staff a 9% pay increase over the two years with potentially a further 5% to come. Professor Roger Brown, Vice-Chancellor of Southampton Solent University said that *'it may end up with UCEA making an agreement that individual institutions can opt out of'*. While the unions were keen to publicise these cracks in employer solidarity, none of them wished to see the end of national bargaining and no local agreements resulted.

There were also cracks on the union side with increasing divisions between the AUT and NATFHE on how to progress the dispute. The THES reported that NATFHE was known to harbour concerns about the AUT's militant tactics that left little room for an exit strategy.

Acas intervention

By 18 April the assessment boycott had been running for six weeks and the Advisory, Conciliation and Arbitration Service (Acas) was called in to try and break the deadlock. However, this failed to make any progress. A commitment by UCEA to improve the 6% pay offer over two years was insufficient to get the two academic unions to attend the talks on 25 April and one support staff union negotiator told the THES that: *'There is increasing frustration from all the other unions about the AUT's stubbornness. They are completely intransigent, and we would like to see them and NATFHE back in the talks'*. By now the NUS also qualified its backing for the unions, urging the AUT to reconsider the refusal to set and mark exams and for it to adopt NATFHE's position of *'mark and park'*.

By May the dispute was becoming serious as the potential for students being unable to graduate became a reality. At least 19 Vice-Chancellors had informed UCEA that they would be withholding pay from those staff taking action and more were expected to follow suit. The University of St Andrews announced that it would impose a 12.5% deal locally after the local AUT branch had accepted it but the AUT Scottish region ruled the local ballot void. On 8 May UCEA made a *'best and final'* offer of 12.6% over three years but this was rejected by the two academic unions.

By 19 May the THES was reporting that UCEA was considering withdrawing its 12.6% offer and encouraging institutions to settle locally. Seven universities had already imposed local deals. A UCEA Board member was quoted as saying that: *'UCEA will leave the offer on the table and, if it gets no response, it will take it off the table and advise members to negotiate locally... All the larger institutions want to go to local negotiations'*. The UCEA Chief Executive Jocelyn Prudence stated that: *'National bargaining is being tested to its absolute limit. If there is no resolution to this dispute fairly quickly we will have a serious problem with institutions'*

wanting to break away'. There were further Acas facilitated talks on 23-26 May and a reconfigured offer worth 13.1% over three years was made on 30 May but this was rejected by the AUT executive.

Final Agreement

On 1 June 2006 the AUT and NATFHE formally merged to form the Universities and Colleges Union (UCU). On 2 June the TUC brokered talks between the parties and on 6 June UCEA and the unions finally resolved the six-month long dispute with a three-year settlement worth a minimum of 13.1%. The unions agreed to recommend the offer for acceptance by their members. UCEA stated that the deal was at the limit of what the employers could afford and that *'some institutions may need to consider job losses'*. Key to resolution of the dispute was the commitment by both sides to a review of the JNCHES machinery and to a review of academic pay and HE finances, to be independently chaired and to report by autumn 2008. The intention was for its findings to inform the 2009/10 negotiations.

The agreement was in five phases over three years as follows:

- August 2006 - greater of 3% or £515
- February 2007 - 1%
- August 2007 - 3%
- May 2008 - greater of 3% or £420
- October 2008 - greater of 2.5% or RPI (as at September 2008)

In fact the RPI for September 2008 reached its highest point in that year at 5%, making the final instalment of the agreement also 5%, and meaning that the final deal was worth 15.8%, with staff on the lower spinal points gaining more.

2009

The Formation of New JNCHES

The 2006 dispute had been difficult for UCEA, the unions and the sector as a whole. The final agreement, worth 15.8% in total when the final 5% was paid in October 2008, was at the limits of affordability for institutions and some began to talk of moving to local bargaining. Dr Geoffrey Copland, the UCEA Chair during the dispute, reflected that the 'future of higher education pay is at a watershed'. UCEA therefore launched a consultation with members on the future of the collective bargaining arrangements. There was also concern that the negotiating machinery had been found wanting and that this also needed to be reviewed within JNCHES. The result of UCEA's consultation was a fairly resounding endorsement of the multi-employer bargaining system by most UCEA members but with recognition that the processes and procedures needed updating, both on the employers' side and within JNCHES. A new agreement establishing New JNCHES in November 2007 included a dispute resolution procedure for the first time in HE.

Writing in the THES in July 2006 on his relinquishing of the UCEA chair, Dr Geoffrey Copland reflected on the 2006 dispute. He noted that pay had dominated the UCEA agenda over the years but the 2006 dispute had highlighted issues other than actual salaries, including the balance in future pay deals between local and national negotiations. He argued that the difficulties with the national approach had been apparent from the start of the dispute. The unions had submitted a simplistic claim arguing for a third of additional fee income to be put into pay increases. But this ignored the fact that this would result in very different salary levels because the extra income would vary between institutions, depending on their balance of full-time home and EU undergraduate fees relative to their other income. While the negotiations had

then moved on from this initial claim to a claim for 23%, they had continued to be complicated by the very different circumstances of institutions. This prompted the question: how far can there be a single pay negotiation in an environment in which there is increasing diversity of funding? Dr Copland indicated that there were already significant funding differences between the different jurisdictions of the UK.

Given these differences, Dr Copland argued in the THES that *'it is hard to see how a single model can continue to work ... except as a lowest common denominator'*. Furthermore, the 2004 Framework Agreement was designed to be implemented locally and most staffing and terms and conditions issues were now locally determined. Some saw this logic as leading to more local determination of the detail of salaries although there remained strong support for some form of national forum and the unions were strongly opposed to local pay bargaining.

Dr Copland noted that the 2006 agreement had committed both sides to a review of the negotiating machinery, which had been planned to happen in 2003 but was delayed while the Framework Agreement was completed, and that this might provide a useful way forward.

New UCEA protocols

In January UCEA began its own consultation on the future wishes of members regarding the balance of local and national pay determination and future bargaining arrangements. A consultation paper posed a number of alternative models of determining pay and conditions, from continuing with multi-employer bargaining over the pay spine increases, through regional and consortia bargaining to complete devolution to institutional level. The strengths and weaknesses of each approach were posed and members asked to respond on their wishes.

2010

General Election result leads to a hung Parliament.

The consultation produced an overwhelming endorsement for a continuation of national level bargaining over the pay spine increases, at least for the foreseeable future, but there was no appetite for increasing the scope of bargaining to include other matters in so-called 'something for something' bargaining. The internal review also led to new UCEA protocols for institutions to sign up to multi-employer negotiations each year, stressing the voluntary nature of this process, and to a commitment to adhere to a national negotiating position if taking part in these national negotiations. This code of conduct was designed to tackle the threat, as seen in the 2006 dispute, of individual institutions undermining national bargaining positions during difficult disputes. A key problem for UCEA in the 2006 dispute had been the weakness of employer solidarity, because of attempted local deals and inconsistencies over pay deductions, as the industrial action intensified.

The JNCHES Review

The joint discussions about the future of the JNCHES machinery identified a number of issues that the 2006 dispute had highlighted. The first issue was the continuing separation of negotiations between academic and support staff unions through two sub-committees. Given the new single pay spine from 2004 and the difficulty of responding to separate and sometimes conflicting pay claims from different unions, UCEA and its members had a strong desire to move to single table negotiations. This view was endorsed by the support staff unions who saw the 2004 agreement as unfinished business. UCEA also sought a reduction in the number of seats on JNCHES, arguing that the large number of delegates made constructive negotiations difficult and that real discussions often tended to take place outside the actual negotiating room between the key national negotiators anyway. It was argued that streamlined negotiating arrangements would lead to more focused, rapid and effective decision-making. The role of the independent chair was also questioned.

It had been hoped that an independent chair would facilitate more effective meetings and resolution of disagreements, but the 2006 dispute had highlighted the difficulties in the role of the independent chair to influence behaviour.

The discussions also dealt with the issue of negotiating procedures. One major issue in the 2006 dispute was the absence of a clear timetable for handling claims and negotiations with the academic unions having declared industrial action well before real negotiations were due to begin. There was also an issue of what should happen in the case of failure to agree. UCEA was keen that there should be a clear 'cooling off' period before industrial action could start, with provision for several conciliation meetings.

The unions were also generally keen to establish more formal consultative and negotiating machinery and wanted a clearer definition of the scope of JNCHES bargaining matters.

The New JNCHES Agreement

The agreement establishing New JNCHES was signed by all unions except the UCU on 27 November 2007. The agreement on negotiating and consultation arrangements stated that both sides '*remain united in their view of the vital contribution which staff at all levels make to the continuing success of UK higher education, and the need for them to be rewarded properly*'. They shared a '*continuing commitment to the benefits of working in partnership, to seeking effective forward-looking national dialogue and agreement on remuneration and related issues, and to sustaining the improvements achieved since 2001*'.

To these ends, the HE employers and unions agreed 'on revitalised arrangements for national negotiation and consultation that are streamlined, flexible and provide a framework for strategic discussions'.

The main points of the agreement were as follows:

- The New JNCHES would henceforth comprise six UCEA representatives and 18 representatives of the HE unions, apportioned on a basis agreed between the unions and including a number of observers. Meetings would be chaired alternately by a member from the employers and the unions (i.e. there would no longer be an independent chair).
- JNCHES would be responsible for negotiating 'those pay and related matters that are determined at national level'. These included a regular review of the Framework pay spine; any further consideration of the provisions of the 2004 Framework Agreement; and any further consideration of those provisions in earlier agreements inherited by the JNCHES in 2001 and which remained in force in August 2007.
- All matters would be negotiated within JNCHES as a whole and the two sub-committees for academic and support staff would be abolished. However, there was provision that, *'where certain issues are exclusive to particular staff groups, it is expected that the dialogue within the JNCHES will be principally between the employers' representatives and those unions representing the staff concerned. Working sub-committees could be established to discuss specific issues for particular occupational groups and report back to the JNCHES.*
- In addition, to complement the JNCHES negotiating remit, a strategic meeting would take place annually, with wider representation of employers and unions to discuss the state of the HE sector and prospective developments. The agreement also permitted discussions across remuneration matters where the detail was determined locally in the context of the Framework Agreement and inherited agreements, allowing consideration of practice and potential developments across the sector as a whole. It also permitted discussion of pay-related issues negotiated in other fora including pensions.
- Where necessary, JNCHES would also facilitate discussions within the devolved administrations about pay and related matters if these 'are not taking place under other auspices'. It would consider negotiations on matters concerning clinical academics' pay, if the translation of relevant NHS pay awards could not be agreed between the parties (UCEA, BMA, BDA, UCU). Discussions about particular groups of staff with professional equivalents outside the HE sector (such as healthcare) could also take place within the JNCHES remit.
- It was agreed that JNCHES would meet four times a year, including March and April/ May to facilitate *'effective and expeditious'* consideration of pay claims submitted prior to the March meeting. Dates for these meetings would be agreed in June in the preceding academic year. While the aim was to complete negotiations by the end of May, there could be provision for further meetings if necessary. Agendas would be jointly agreed in advance of meetings.
- Where meetings under the additional arrangements jointly identified scope for a national agreement on certain matters or for a joint statement of guidance, these would be referred to JNCHES for confirmation or further consideration.
- The agreement stated that all parties to negotiations were committed to *'striving for agreed outcomes'* but if, exceptionally, these could not be achieved, either the employers or unions might invoke the dispute resolution procedure described in Annex A of the Agreement.
- It was agreed that the Agreement would be the subject of joint review by autumn 2011.

The Browne Review published in October, recommending the raising of the fee cap, is followed by student demonstrations but the Commons votes by a majority of 21 to lift the fee cap to a maximum of £9,000.

The Dispute Resolution Procedure

The dispute procedure agreed as part of the 2007 New JNCHES agreement was a major development for HE collective bargaining. It stated that, following receipt of a notification of failure to agree, the parties would agree within seven working days upon dates for at least two meetings to seek to resolve the dispute, normally within 14 working days. Attendance at such meetings would normally include national officials and lay officers of the unions in dispute together with senior UCEA officers and Board members. The focus of such meetings would be on reaching a settlement of the issues. Further meetings beyond this initial period could take place if agreed. If it proved impossible to resolve the dispute through these agreed meetings the parties could consider whether third-party assistance, normally through Acas for mediation and conciliation, would be helpful. Most importantly, the disputes procedure stipulated that, throughout the period for dispute resolution meetings, and for third-party assistance, the HE employers will not impose a resolution and the unions *'will refrain from taking any form of industrial action until the procedure has been fully exhausted'*. Any outcomes from any stage of the procedure would be communicated jointly.

UCU delays joining

The UCU refused to join New JNCHES in 2007 but continued to present its own pay claim for 2009 although both UCEA and the other unions had made clear that the 2007 agreement could not be changed. UCU continued in dispute about the new arrangements and threatened industrial action. Acas facilitated joint talks in January 2009, however, led to a 'statement of implementation' to cover UCU's concerns and finally UCU joined the New JNCHES 2009 negotiations.

Chancellor George Osborne unveils the biggest UK spending cuts for decades.

2010

JNCHES Review of HE Finance and Pay Data

An important outcome of the 2006 dispute with the academic unions and its subsequent resolution through the 2006 three-year agreement was a commitment by both sides to seek better finance and pay data to underpin meaningful negotiations. A specific part of the 2006 agreement established the JNCHES Review of HE Finance and Pay Data. This review was very much a joint exercise and its final report was signed by all five trade unions and UCEA. This work has formed the basis for subsequent negotiations and the pay data continues to be regularly updated each year.

The agreement settling the 2006 industrial dispute with the academic trade unions included the following commitment:

'Negotiations this year have been complicated ... by differences between the parties on the funds available for pay increases and on trends in relative earnings of HE staff. The unions and employers therefore agree that JNCHES should jointly commission a review with an agreed independent chair, union and employer representatives working in partnership and the potential for other independent inputs, to facilitate and inform future negotiations'.

It was agreed that the review data on the following areas: universities and HE colleges' income and expenditure in 2006/07 and 2007/08, and forecasts for 2008/09 and later years; the outcomes of the Framework Agreement; the remuneration of HE staff following its implementation; and relativities to the remuneration of other UK employees. The Review would draw on independent data sources and report by autumn 2008 to inform subsequent negotiations in the JNCHES machinery for the academic year 2009/10 and later, although in the event that the review were to provide evidence of institutions' ability further to improve the pay of staff for the 2008/09 year this would be included in these negotiations.

Establishing the Review

The membership of the Review Group included three independent members. Baroness Rennie Fritchie was appointed chair and two other independents chaired the two main sub-groups: Dick Coldwell (former member of the HEFCE Board) chaired the Finance sub-committee and Sir Bill Callaghan (former Chair of the Health and Safety Commission) chaired the Remuneration sub-group. A third sub-group, on pensions, was chaired by Philip Harding (then Finance Director of the University of Westminster). There were six union representatives and six employers' side representatives. Peter Norris, Chief Statistician at the Local Government Association, was seconded to UCEA to assist with the statistical analysis and both Grant Whitfield (who had worked on the data for the 1999 Bett Report) and Stephen Palmer from the Office of Manpower Economics (OME) acted as advisors.

The primary role of the Review Group was to reach an agreed view on the available data and to set out its findings in a report. The process was one of establishing what data was available, agreeing how these should be analysed and agreeing the findings which could be drawn. In addition to the use of published data from the Higher Education Statistics Agency (HESA) and the Office for National Statistics (ONS) the Review team also commissioned special datasets from these sources. The Review also commissioned additional work on pensions from Watson Wyatt Ltd (jointly funded by UCEA and UUK). Input from the UK funding councils was also sought. Professor David Eastwood, the then Chief Executive of HEFCE, also attended one of the Review's meetings to give his views and answered questions. The OME provided accommodation for the meetings. The unions and UCEA signed a joint letter on 2 November 2007 offering commitments in advance to accept the Review's findings.

2011

The Government's White Paper - Students at the Heart of the System - is published.

From September a majority of English HEIs charge undergraduates £9,000 per year.

The Review Group met on nine occasions between 12 November 2007 and 19 November 2008.

The conclusions and recommendations

The review's final report contained 58 conclusions under the headings of operating context, financial health, pay and conditions, pensions, international pay comparisons and impact of the Framework Agreement. The major findings were as follows:

- Although most HEIs were financially stable in the short term, the levels of surplus and investment of HEIs were too low to confidently assure a sustainable future.
- Institutions were forecasting an improvement in surpluses, albeit a slow one, and from a modest level but there was great variability between institutions.
- Forecasts for 2008 were likely to project a worsening outlook.
- The standard activity-based costing system revealed that the whole sector was in deficit, suggesting that institutions were not making sufficient financial surpluses to cover long-term needs for investment in estates and infrastructure.
- There had been a significant decline in the real value of public funding for HE.
- While the sector has shown itself to be adaptable in coping with change, there were some serious concerns for the future.
- Staff costs had remained broadly constant as a proportion of institutional costs.
- Over the previous six years, staff costs had increased on average by 8% per annum and ahead of inflation. This had been financed largely from two sources – overseas student fees and the introduction of variable fees for home and UK students.
- The major part of the new tuition fee income had been spent on staff costs. A further significant proportion had been spent on student bursaries, leaving a small portion of less than a quarter to be invested in infrastructure and institutional operations.
- Average earnings in the HE sector as a whole were markedly higher (by 25% for full-time staff) than the rest of the economy. This was largely

explained by the composition of the workforce, with a majority of professional and management level roles.

- The data showed that HE teaching professionals recorded median earnings of £42,557 in 2008 and ranked fifth out of 44 comparative professional occupations.
- For support staff groups, generally the comparison also favoured HE staff.
- Overall, the gender pay gap in HE was higher than the whole economy. For academic staff the pay gap was 10% based on median annual earnings and 14% based on annual salary data.
- Over the period from 2001/02 to 2006/07 academic salaries had increased by 27.8%, well ahead of inflation. The highest increases were at both the top and bottom of the earnings distribution. These increases were ahead of both inflation and average earnings growth over the period.

The report made eight recommendations:

- Steps should be taken to improve the quality of pay statistics for the HE sector.
- HESA data should be the major source for pay analysis of HE staff but inconsistencies in data meant it was often deemed unsuitable for use.
- The specific shortcomings in the HESA data on part-time staff should be addressed.
- A detailed examination was recommended of the employment and pay data collected by HESA for its usefulness to the sector and the cost of its subsequent provision to those within the HE sector.
- The data collected for the Review could be periodically updated.
- Further work could be done to examine pay and remuneration at sector level in relation to gender, ethnicity, disability and other groupings.
- While international comparisons of pay levels largely related to academic staff and the drawing of meaningful comparisons was difficult, it was noted that this was an area where future work could be undertaken.
- While some analysis of the impact of the Framework Agreement on pay levels had been conducted by the Review, it was suggested that a longer-term examination would be worthwhile.

The Government announces that the uncapped student threshold changed to ABB from 2013 and that the qualifying threshold for university title will be lowered from 4,000 to 1,000 students.

2012

UCEA's other work

One major HE trade union describes its role in HE pay and salaries as negotiating ‘...nationally with the employers’ body, the UCEA over pay and conditions for...staff’. While UCEA’s negotiating role is a key part of its activities, and most of the major events described elsewhere in this publication revolve around this role, it should not be forgotten that UCEA has always offered a much broader range of services to members. This retrospective also describes a movement over the period to a much more narrow scope for UCEA’s national negotiating remit than perhaps the trade union statement reflects.

From its earliest days, UCEA inherited a range of other services from its two founding constituent bodies. These included advice and guidance on employment law, research, a national survey of senior staff remuneration, consultative mechanisms for sampling member views, the provision of a range of relevant training and information events for members and specialist services in the fields of clinical academics and workplace health and safety. Advice on the various sector pension schemes also featured as a service from the start. Not least, from the very beginning of UCEA it was recognised that effective public relations were essential. Over the two decades of UCEA’s existence, these services have changed and developed as UCEA has moved its effort and resources to anticipate the challenges facing the sector employers, employing highly skilled and specialist staff to provide those services. UCEA has also sought to work jointly with key sector groups and bodies, and always with its member institutions, to ensure that it is well networked, well informed and influential. UCEA’s close dialogue with the HE trade unions has also enabled it not just to support voluntary collective pay negotiations but also to assist with local consultations and negotiations.

Pensions

One activity that has been growing in more recent years to meet an ever-increasing demand has been pensions, where UCEA has now established a small, dedicated team to provide necessary expertise. This has enabled members to benefit from guidance and advice in this complex and developing area. It has also enabled UCEA to provide crucial sector input and representation in the process of public sector scheme reform, particularly the Local Government and Teachers’ schemes (LGPS and TPS), as these have been undergoing the biggest reforms in their history. UCEA has since 2007 been a formative and significant partner, with UUK and GuildHE, in the Employers Pensions Forum (EPF), working within this framework on developing sector pensions strategy. Under the EPF umbrella UCEA has contributed its expertise and skills to support the sector input in other significant pensions developments, particularly the Universities Superannuation Scheme (USS) and the self-administered schemes (SATs), endeavouring to give institutions support and influence in this critical aspect of reward.

Employment advice and guidance

UCEA has throughout been a source of information and specialist advice on employment policy and law in the context of HE. With its direct knowledge of the sector, UCEA has handled enquiries on contracts and terms and conditions of employment and provided guidance and support for particular challenges arising for member HE institutions. As employee engagement has emerged in recent years as an area of interest for all employers, UCEA has worked with UHR to develop an Employee Engagement Toolkit. This toolkit provides HE institutions with advice and guidance on how to secure, maintain and develop employee engagement with their institutional visions and missions.

2013

In July the Scottish Code of Good Higher Education Governance is published.

The Government announces that the cap on undergraduate numbers in English HEIs will be removed for the 2015/16 academic year.

Research and surveys

UCEA's services have throughout the years been underpinned by rigorous research conducted, commissioned and managed by an experienced research team. Utilising substantial expertise in both qualitative and quantitative methods, the team has produced valuable work for members over the years including surveys, literature reviews, case studies and statistical analyses. It has also contributed significantly to the quality of much of the joint work done over the years with the trade unions under JNCHES. The research expertise has recently been responding to member interest by focusing more on employment relations and high performance working practices. A strength in labour market analysis has also enabled UCEA to produce, with assistance from HEFCE, a series of HE Workforce reports over the period from 2001 to 2013. Building on the highly valued Senior Staff Remuneration Survey, UCEA has since 2008 complemented this with the Salary Survey of Higher Education Staff, carried out in partnership with XpertHR, meaning that members can access quality pay benchmarking data for the whole workforce.

Member events

UCEA's conferences, seminars, workshops and consultative events are planned and developed to ensure the issues covered are always pertinent to members' interests. UCEA now offers a much admired, extensive programme on a wide range of employment related issues, and ensures that events are delivered by a combination of professionals with in-depth knowledge and sector contributors. The coverage is constantly updated and the style of delivery has developed over the years, with skills-based workshops, in-house provision and recently a residential masterclass as developing features. UCEA has also been well placed to identify needs and organise support groups and networks focusing on particular themes; three active networks that have been running in recent years have been on Clinical Academic employment, on engagement and wellbeing and on immigration.

Communications and PR

Communications are now seen as a key activity and, aside from the long-standing and trusted Updates, UCEA now provides media monitoring, themed briefings, FAQs, key messages, infographics and a bi-monthly Employment Bulletin. Media training has also been offered regularly over recent years. Information and resources for members are now hosted on a secure website and web-based information sharing has been tested as part of a proactive package of communications support for members.

It is particularly in the last ten years that UCEA has addressed the need for a strategic approach to communications and media management, seeing this as an essential element in supporting HE employers on the national stage. A Communications Strategy Working Group has been in place since 2007, ensuring that advice and input is gathered from senior staff and communications specialists in institutions.

Clinical academics

A Clinical Academic Staff Advisory Group has been a feature within UCEA's work over all the last 20 years. It provides valued liaison with NHS Employers, Department of Health and BIS, aiming both to influence and to interpret national policies which impact on the employment of clinical academics.

UCEA has negotiated at key stages on behalf of employers on national salary rates for clinical academic doctors and dentists - with the BMA, BDA and UCU. With change in the NHS having become almost a permanent feature since the turn of the decade, UCEA has been providing proactive advice on action needed and assisting institutions with individual queries in this complex area of employment.

Health and safety

UCEA coordinated a Health and Safety Committee soon after its inception and this has acted since then as a forum for all the different professional groups that have an interest in health and safety management within HE. UCEA is recognised by the Health and Safety Executive (HSE) as the employers' representative on health and safety matters in the HE sector and it has discharged these responsibilities through a sector-level Health, Safety and Wellbeing Plan. UCEA also coordinates the Higher Education Safety and Health Forum (HESH), which is a national tripartite forum between the employers' representative, staff representatives and the Health and Safety Executive.

2014

Chairs of UCEA



Professor Philip Love, CBE
Vice-Chancellor,
University of Liverpool,
from 1995 to 2002



Professor Alasdair Smith,
Vice-Chancellor,
University of Sussex,
from 2006 to 2007



Professor Sir Keith Burnett,
Vice-Chancellor,
University of Sheffield,
from 2009 to 2011
*(Knighted in the 2013 New
Year's Honours)*



Professor Sir Brian Fender,
Vice-Chancellor, Keele
University, from 1994 to 1995
*(Knighted in the 1999 Queen's
Birthday Honours)*



Dr Geoffrey Copland, CBE
Vice-Chancellor,
University of Westminster,
from 2002 to 2006



Professor Sir William Wakeham,
Vice-Chancellor,
University of Southampton,
from 2007 to 2009
*(Knighted in the 2009 Queen's
Birthday Honours)*



Professor Paul Curran,
Vice-Chancellor,
City University London,
from 2011 to present

Chief Executives of UCEA



Stephen Rouse,
from 1994 to 1997



Peter Humphreys,
from 1997 to 2001



Jocelyn Prudence,
from 2001 to 2012



Helen Fairfoul,
from 2012 to present

UCEA June 2014

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