

Jo Grady
General Secretary
University and College Union

By email

4 August 2023

Dear Jo,

2023-24 Negotiating Round

Thank you for your letter of 2 August 2023. I would agree with you that the first of our three meetings was constructive and that, like UCU, UCEA was similarly hopeful that the exploratory talks would lead to a positive outcome, particularly for those students that have been and those students who continue to be impacted by UCU's marking and assessment boycott. However, I would take issue with every other aspect of your letter.

UCU set out four preconditions or "provisos" for an 'interim agreement' to halt the marking and assessment boycott. It was clear from the outset of the talks, and in my letter to you of 4 July, that there were differences in the position of UCU and UCEA in relation to your preconditions. However, we entered into the exploratory talks in good faith to identify any opportunity for an agreement which would allow negotiations to resume, having communicated in advance of those talks that there was no mandate for UCEA to improve on the 2023-24 pay uplift.

Throughout the talks, UCU's main concern was that pay legitimately deducted for staff who refused to carry out their marking and assessment responsibilities for their students should be returned. We listened to UCU's arguments, but we also explained why UCEA could not make such a recommendation. However, we did respond to all four provisos in your letter, agreeing to two of them and making an offer in respect of a third. UCU has made no acknowledgment of this either in the meetings or in your subsequent letter; nor have you offered a counter proposal which might move forward the discussions. While UCEA has shown some flexibility in its position, in our talks UCU has shown none. Instead, UCU made repeated references to the prospect of legal action against the pay deductions and has subsequently stated that it will do everything possible to back legal action. This was and is unhelpful in building the trust and confidence in the talks to which I had hoped both sides were committed. This is extremely disappointing.

I also take issue with your suggestion that we have taken too long to organise meeting dates, given that we were able to schedule three meetings within a fortnight. As indicated in my letter of 31 July, we also remain willing to reconvene our last meeting with you.

It is deeply regrettable that, despite UCEA awarding a pay uplift, including an interim uplift six months earlier than was due, which stretched many institutions financially, UCU has called on its members to participate in its damaging marking and assessment boycott. Although only a minority of academic staff are participating in the boycott, if even a single student has their graduation or progression disrupted because of UCU's action, this is unacceptable.

I am sure you will agree that significant progress was made earlier this year when terms of reference for further negotiations were agreed through Acas collective conciliation. Those terms of reference offered the opportunity to make progress on significant issues of importance to employers and unions alike - on the pay spine, workload, contract types and pay gaps. These terms of reference were agreed by UCU's own negotiation team, only to then be put to members with a recommendation that they be rejected.

While UCEA remains committed to seeking a resolution to the dispute which would allow UCU to end its marking and assessment boycott, it feels increasingly unlikely that this will be achieved through our exploratory talks solely with UCU. As you know, our ability to continue negotiations on the above matters from phase two of the negotiating round was contingent upon there being an acceptance of the Acas terms of reference and there being no further industrial action. UCU's marking and assessment boycott, therefore, prevented any progress in the important areas covered by those terms or reference.

I hope you will recognise that much of the difficulty in negotiations in recent years over pay has been caused by a fundamentally different understanding of the sector's finances and ability to pay uplifts. Rather than reconvening the adjourned exploratory talks with UCU, UCEA would propose that we convene a meeting with all five Joint HE Trade Unions to firstly seek to finalise and agree the terms of reference and membership of the independent assessment of sector finances and, in quick succession, further meetings, as required, with the aim of finalising the terms of reference on the other matters to enable us to begin the important work in each of the four areas identified within them. We propose that we jointly approach Acas to consider facilitation of these meetings.

I will be writing in similar terms to the Joint Union Side Secretaries.

Yours sincerely,

A handwritten signature in black ink that reads "Raj Jethwa". The signature is written in a cursive style with a horizontal line underneath the name.

Raj Jethwa
Chief Executive

cc Shahenda Suliman, UCU
 Ruth Smith, UNISON