

New JNCHEs 2017-18

Employers' response to the joint trade union claim to establish a Scottish sub-committee of New JNCHEs

Background

The item in the trade union claim is “to establish the Scottish Sub-Committee of New JNCHEs as set out under the New JNCHEs Agreement. The main purpose of the sub-committee would be to deal with matters not currently being dealt with at the New JNCHEs Committee.”

The trade union claim amplifies this element, stating,

“The New JNCHEs Agreement expressly acknowledges the reality of the establishment of devolved HE sectors for the devolved administrations within the UK, and that a sub-committee of the NEW JNCHEs Committee may be formed to look at HE issues for any of the devolved administrations. There is clear evidence that there are some diverging trends and structures emerging with Scotland relative to the rest of the UK. For this reason, the trade union seek the activation of the Scottish New JNCHEs Sub-Committee to look at Scottish issues.

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

During the 2016-17 negotiating round, the trade unions identified a number of issues they thought apt for discussion at a Scottish sub-committee of New JNCHEs; in our exchanges in the 2017-18 meetings it was explained that this list had not changed, namely:

“Workforce and workplace issues: such as meeting the new Scottish “Fair Work” pledge: the key tenets being: effective voice, opportunity, security, fulfilment and respect. Meeting the Scottish Government’s “Business Pledge” which includes living wage issues.

Sector and national issues: such as taking forward the recommendations of the Widening Access Commission report. Developing and responding to policy initiatives. Raising and progressing issues around (public) funding.”

At the first negotiating meeting in the 2017-18 round, held on 30 March, the employers undertook to find out and provide more information on the arrangements for trade union dialogue already on offer in Scotland through the Convenor of Universities Scotland.

Universities Scotland dialogue with the HE trade unions

Universities Scotland (US) has provided the following description of the dialogue already offered to the sector trade unions:

“Universities Scotland’s mission is to influence the policy, legislative and financial environment so that it best supports members’ success.

In doing so, Universities Scotland promotes the university sector's contribution to Scotland's economic, social and cultural wellbeing.

To take forward Universities Scotland's mission, we explore issues of potential common cause with partners across civic Scotland, including representatives of students, business, other parts of the education sector and the relevant trade unions.

As part of this exploration of common cause with civic partners, Universities Scotland is committed to regular dialogue with STUC and the higher education trade unions on policy, legislative and financial issues facing Scottish higher education institutions. US has a statement of common cause with STUC and NUS Scotland (See Appendix 1).

The Convener of US met the trade union side as part of this dialogue on 28 September 2016, and a further meeting is currently being set up.

These discussions are separate from issues about pay or employment conditions that are within the remit of UCEA or are the responsibility of individual higher education institutions as employers. Universities Scotland's mission does not include a remit on these issues."

The specific remit of New JNCHES

Section 6 of the Agreement addresses itself to the matters that the parties consider to be in scope of New JNCHES:

6. The JNCHES will be responsible for negotiation of those **pay and related matters that are determined at national level**, including specifically:
 - regular review of the Framework pay spine;
 - any further consideration of the provisions of the Framework Agreement for the Modernisation of HE Pay Structures (2004);
 - any further consideration of those provisions in earlier agreements inherited by the JNCHES in 2001 and which remain in force in August 2007.

The New JNCHES Agreement does go on to state (in Section 10) that:

10. **When necessary**, the JNCHES will facilitate:
 - discussion between employer and union representatives from institutions in the devolved administrations, **about pay and related matters, if these are not taking place under other auspices**;

The employers acknowledge that there is provision within the New JNCHES Agreement to allow for the establishment of a sub-committee that could address matters within the New JNCHES remit that were specific to Scotland as a devolved nation.

However, the employers' position is that those matters that are for New JNCHES – that is "pay and related matters that are determined at national level" – are being discussed specifically at the main New JNCHES Committee; it cannot be said that "these are not taking place under other auspices".

The employers do not accept that the various non-pay issues identified by the trade unions as ones they would like to discuss are matters for "determination at a national level", thereby bringing them to either the main committee or a sub-committee of New JNCHES. "Living wage issues" is perhaps the only such issue but this is regularly raised by the joint unions for discussion at the main New JNCHES committee, and this is the case again in 2017-18. There are also matters raised in the list of issues, such as widening access and funding, that are clearly not matters for determination or negotiation but are "policy, legislative and

24 April 2017

financial issues facing Scottish higher education institutions” and therefore matters that can be included in the dialogue with the trade unions offered through Universities Scotland.

The individual employers that currently choose to participate in the New JNCHES pay negotiations do so for that purpose and in full knowledge of the particular remit of New JNCHES (as explained in this paper). Each of the institutions in Scotland that mandates UCEA to act on its behalf specifically for the New JNCHES discussions also has its own arrangements for dialogue with its recognised trade unions. There will continue to be matters that will be for the trade unions to raise with individual institutions using the machinery those individual employers have set up for this purpose.

In conclusion, the employers represented through New JNCHES for the purposes of determining pay and related matters at a national level do not agree that there is a case to facilitate a sub-committee to discuss the matters raised and would expect the trade unions to use the channels available to them for Scotland-level dialogue that are described in this paper.

Appendix 1: Statement of common cause



Statement of Common Cause

Universities Scotland, the Scottish Trades Union Congress and the National Union of Students share a strongly held belief that a vibrant and successful higher education sector has much to offer Scotland and its people.

Universities Scotland represents the Principals and Directors of Scotland's 19 higher education institutions (HEIs). The STUC represents over 627,000 working people and their families, in the workplace and in the community. The STUC's affiliated unions have interests in all sectors of the economy, including Higher Education. NUS Scotland is the key voice for students in Scotland, working to promote, defend and extend the rights of students

There is much that our organisations value greatly about Scotland's higher education and we are united in our commitment to:

- the importance of reaching a long-term, sustainable, public investment in teaching and research at a level that ensures the international competitiveness of all 19 diverse institutions;
- a bolder approach to widening access to those who are currently underrepresented in higher education;
- every HEI delivering an appropriate mixture of both teaching and research;
- the four-year degree as the core of flexible undergraduate provision;
- responsible autonomy and academic freedom;
- our community of EU staff and students in Scotland. EU staff and students are hugely important to the strength of Scotland's higher education. We share in the priority of securing urgent assurances on their future immigration status and rights during and beyond the UK's planned exit from the EU;
- negotiate continued funding and access to European programmes for research and staff and student mobility;
- our worldwide community of staff and students in Scotland. We share a wish to maintain the mobility of staff and students from across the world into Scotland as well as the outward mobility of Scottish-domiciled students and the development of students as global citizens;
- a diverse university sector which recognises and meets the diverse needs of learners across Scotland;
- within a wider framework of regulation, the sector's ownership, with students and staff, of quality assurance and enhancement;
- ensuring that fair and just treatment is a central value for HEIs in their dealings with students, staff and others; and,

24 April 2017

- aspiring towards achieving high standards of employment practice for staff, paying due regard to issues that are of concern to staff and valuing the contribution made by staff.

Our organisations will work collaboratively on the areas outlined in this statement of common cause.

There will be other issues upon which our respective organisations take a different perspective. That is our right as organisations which represent different memberships. However, where this happens this does not detract from our shared values. We believe that an environment which provides the freedom to disagree and to challenge each other, whilst still holding on to the underlying principles we both believe in, is one of the tremendous assets of our higher education sector in Scotland.