

CUCU report of progress on anti-casualisation partnership discussions with Cambridge University September 2019

The aim of this report is to review the progress of discussions with the University of Cambridge in light of the [anti-casualisation claim](#) sent by CUCU to the University of Cambridge on 12 December 2018.

Sub-group for the negotiation of agreed actions on casualisation

The first claim was the creation of a sub-group of the Partnership Working Group involving UCU and representatives of the University for the negotiation of agreed actions on casualisation; for this sub-group to address the points raised in CUCU's claim through negotiation and agreement; to provide regular reports to PWG and to complete a full report with recommendations to the University by the end of June 2019.

The University of Cambridge granted this demand and a sub-group of the Partnership Working Group involving UCU and representatives of the University has been meeting monthly since March 2019 to address the points raised in CUCU's claim. The University also provided data requested in order to discuss several points of the claim. While CUCU recognises that representatives of the University attending the sub-group meetings are putting time and effort into the discussion, the fact that they are doing this on top of their usual duties creates delays, making the process very slow. Moreover, CUCU notes that the University does not consider the sub-group to be a negotiation committee, thus limiting its power to take action on any agreement reached between CUCU and the University. **CUCU thus recommends that the University fully commit to these meetings as genuine negotiations over the points of the claim, and allocates the necessary resources for the successful and timely completion of these negotiations. This can be done, for example, by hiring extra staff to reduce the workload of representatives of the University involved in the negotiation, as this has been done by the University of Bristol, and also by giving more power to their representatives to agree on actions on casualisation.**

Underpayment of University examination and assessment work

The second claim was for an uplift to pay rates set in the Ordinances (such as for examining and assessment) to restore their lost value and then for these rates to be pegged to the national pay scales. A significant amount of examining and assessment work on behalf of the University is paid by the item, the pay rates being set in the Ordinances by the University. These rates of pay have been frozen since 2008. Inflation over that time has resulted in average price increases of between 21.4% (using CPIH) and 29.4% (using RPI). Staff have thus seen their real-term pay cut by between a sixth and a quarter for the same tasks.

This point was discussed in the 27 June meeting, and below are extracts of the minutes of this meeting:

- The Examinations and Assessment Committee requested a review of examiners payments (as set out in Chapter III, Statutes and Ordinances,

pp.254-257) in February 2019 as it is recognised that these have not been reviewed for some time.

- The examination and supervisor fee fund is set each year in the planning round (currently £1.7 million). This fund is generally for examiners' fees and expenses. The University proposes to bid for an uplift in pay-rates in M/T 19 for the following financial year and would propose to increase these each year. But first the University needs to receive information on the planning round, which is generally issued at the start of M/T. UCU requested that the pay rate increase should at least cover for the inflation since 2008, when the rates stopped increasing. This means an increase of between 21.4% (using CPIH) and 29.4% (using RPI).
- CUCU highlighted issues around the rates for graduate supervisions (MPhils and PhDs) which have not increased for a number of years. Most departments rely on the minimum payment rate of £55 per term to cover 8 hours of supervision time, with some supervisors providing 4 hours of unpaid supervision where the MPhil requires 12 hours of supervision. MML has increased their rate to £40/hour, whilst History is offering £28/hr. Such increases have been covered by soft funding.

Furthermore, at the 31 July meeting it was noted that:

- The graduate supervision rates will be reviewed separately to the examination and assessment rates. UCU requested that clarification could be sent to departments to clarify pay rates to make it clear to departments that these were the minimum rates and they could top these up in light of the fact that these rates won't change this academic year.

While no uplift rate has been agreed yet, this is in progress and more information should be made available to the sub-group in Michaelmas 2019. Any change in rate will only be implemented for the 2020/21 academic year.

CUCU thus recommends that the University of Cambridge contact all heads of departments/faculties and administrators to remind them that these rates are only recommended minimum rates, and that departments/faculties can decide to pay more if they wish to. Doing so will have an immediate impact for the 2019/20 academic year while waiting for the 2020/21 uplift in rates.

Appropriate payment of hourly-paid teaching at the University

CUCU's third claim was for a review of the preparation time required for hourly-paid teaching, to agree an appropriate rate of pay that recognises the different kinds of preparation needed, and to also explicitly state the preparation time included in the rate. This is to be communicated to faculties and departments as the agreed University-wide rate. CUCU believes there is a problem with underpayment of preparation time for University hourly-paid teaching such as lecturing and demonstrating.

This point was discussed in the 27 June meeting, and below are extracts of the minutes of this meeting:

- Pay rates are uplifted each year in line with the annual pay review.
- Institutional knowledge of how the rates were set is no-longer available, however when compared to the hourly rate for a G9 UL (Pt 1), the standard lecturing rate provides for just under 3 hours of preparation for each hour of delivery.

- UCU referred to its survey results and that respondents have indicated that they were spending far in excess of 3 hours to prepare lectures. Some of these are PhD students. UCU referred to the History Faculty stint model which adjusts teaching hours to reflect the increased preparation/research time for early-career lecturers: a UTO (split 50/50 between teaching and research) earns £125-ish/h of lecture, when the substitute teaching rate is of £73.16/h of lecture (plus £10.04 holiday pay). [UCU subsequently provided further information on their calculation of the equivalent hourly rates in History. The University will consider these and respond in due course.]
- It was agreed that a statement on the amount of preparation time needed would be helpful, even though this cannot be absolute given the variations between specialisms. The University will refer to colleagues in the Academic Division for advice.

CUCU notes that nothing has been agreed yet on this point on the claim. Our data show that the pay rate for hourly-paid teaching is not enough to cover the work required and that this rate is much lower than for teaching officers. **CUCU urgently asks the University to review the payment rate of hourly-paid teaching to agree on an appropriate rate that covers for the actual amount of work required. CUCU asks for this review to start in Michaelmas 2019 and for the new uplifted rates to be implemented for the 2020/21 academic year.**

Non-contracted hourly-paid teaching at the University

CUCU's fourth claim was for an agreement for all hourly-paid teaching to be covered by a contract. Hourly-paid work can be carried out by contracted and salaried members of staff, who do it either as part of their contracted responsibilities or as a form of paid overtime. However, this is often not the case. There are other types of workers who have either zero-hour contracts or no contracts at all, and who often lack basic employment rights such as sick pay, holiday pay, parental leave and pension contributions.

Contracts for staff doing hourly-paid teaching for the University was discussed in the 30 May meeting, and below are extracts of the minutes of this meeting:

- The University is in the course of implementing a new system to administer payments to hourly-paid staff, which it is intended should provide more detailed information about the use of hourly-paid teaching staff in the future. As part of that process, Anne Pollintine has met with the highest users of hourly-paid teaching staff in the University to gather information about the use of hourly paid staff.
- The light-touch self-employed category permits persons to provide services to the University for a maximum of 5 sessions/term and 14 sessions/year. The University said the the majority of these are experts who are employed elsewhere and are acting as guest lecturers on specialist subjects. UCU didn't agree on this, based on the surveys they carried on hourly-paid teaching. The University doesn't have quantitative data about the proportion of hourly-paid individuals who are experts employed elsewhere and are acting as guest lecturers on specialist subjects. UCU agreed to share the result of the survey. This category also includes higher level degree examiners and supervisors on account that they may be paid tax-free under HMRC rules. Persons who work

for more than 5 sessions/term and 14 sessions/year the light-touch levels are treated as workers and are supplied with a workers agreement.

- UCU are aware of hourly-paid self-employed individuals and workers who wish to be treated as employees. Anne Pollintine explained that historically some workers have declined to be moved to an employment contract because of the higher rate of pay they receive as an hourly paid worker. UCU said this is because of some confusion about how the pay rates and figures are calculated for hourly-paid teaching and UTO. UCU noted that the standard University rate for lectures is ~£70 and there are other standard rates for other activities. UCU also said that the rate for one hour of lecture for UTO (~£250/h) is much higher than for hourly-paid. From the data UCU gathered, hourly-paid lecturer doing similar number of hours as UTOs or CTOs are paid 2 to 3 times less. The University said that the new system however should allow for triggers to review the position of workers.
- There was discussion around preparation time for hourly paid teaching which seems to vary across specialisms and depending on experience of the teacher. Some departments supply prepared materials.
- UCU requested that hourly-paid teachers be moved to fractional employment contracts.
- The University pointed out that there was a need for casual staff to fill ad hoc teaching requirements. Notwithstanding, the University agreed to consider UCU's request and speak to faculties about their use of hourly paid staff.

The point was further discussed in the 10 July meeting in which Emma Stone and Anne Pollintine said they will propose at the next HR committee meeting (in October) to move people who are currently carrying out hourly-paid teaching for the University on workers agreements to employee contracts.

CUCU welcomes the steps currently being taken by the University to raise the issue of contracts at the next HR committee meeting, and particularly the acknowledgment that those on workers agreements should be shifted to employee contracts. However, this issue goes far beyond those who are currently on workers agreements. **CUCU continues to believe that all hourly-paid teachers, including those who are currently defined by the University as self-employed, be granted the possibility to have an employee contract.**

Framework for the fair allocation and support of teaching work at the University
CUCU's fifth claim was for the University to negotiate with UCU an overarching framework for the fair and transparent allocation of teaching work and for the provision of proper support for hourly-paid teaching staff. This will be communicated to the faculties and departments as the agreed University-wide standard.

Practices in the allocation and support of hourly-paid teaching work varies widely by faculties and departments. Many faculties and departments continue to operate non-transparent hiring and work allocation practices and fail to provide access to basic facilities such as teaching rooms or other spaces in which to prepare teaching. Practice in providing mentoring, access to paid teacher training, and to continuing professional development also varies significantly.

This point was discussed in the 25 April meeting, and below are extracts of the minutes of this meeting:

- UCU raised concerns over the allocation of hourly paid teaching in the faculties.
- The University is in the process of asking departments to consider the adoption of a web-based recruitment facility used by the Engineering Department as a mechanism for filling hourly paid teaching requirements.
- UCU requested that the University send departments further examples used by the Department of Plant Sciences and POLIS and request feedback on those to assist with the drafting of a template for general use. UCU proposed to send a first draft in the next couple of weeks. An agreed draft of a proposed template would be sent to departments for further feedback and to encourage them to adopt this (tailored to their needs). Aiming for use by Michaelmas term 2019.

Support for hourly-paid staff was discussed in the 27 June meeting, and below are extracts of the minutes of this meeting:

- UCU requested that hourly paid staff are paid for attendance at training for admissions and supervision work, whether at a lower rate, as is the case at other HEIs.
- JP advised that there was pressure on space generally within the departments – with challenges for hourly-paid, post-docs, graduate students and UTOs alike. However, there is space to prepare in the University Library, supplemented by other libraries on the main University sites, together with space at the University Centre on Mill Lane. The University will look into access to these spaces and wifi. JP will progress this.

Meg Tait and Sandra Cortijo discussed training for teaching on Tuesday 16 July, noting the following:

- Cambridge Centre for Teaching and Learning (CCTL) plan to develop a more diversified portfolio of training and support over the next 3-5 years, subject to resources.
- New supervisors would benefit from being able to 'shadow' experienced supervisors, to take part in peer observation of supervisions, and to gain feedback on their supervision practice.
- Experienced supervisors would benefit from being able to gain recognition of their teaching experience and for this recognition to be portable beyond Cambridge. At present, colleagues may apply direct to Advance HE for recognition of experience; these applications incur an accreditation fee payable by the applicant to Advance HE. CCTL is exploring the possibility of developing routes to Advance HE accreditation within Cambridge, subject to resources, as part of its institutional accreditation arrangements. This would enable colleagues to gain recognition of experience without incurring individual application fees.

CUCU sent a draft of a proposed template for a system to allocate teaching hours to the University HR on 31 May 2019. After gathering feedback from departments, the University sent an updated version to CUCU on 16 August 2019. The agreed system of allocating teaching hours will be then sent to all departments, recommending it as the best practice standard.

CUCU acknowledges this as a positive move in improving transparency in the allocation of teaching hours. CUCU also welcomes the plan to improve training for teaching. **However, CUCU asks the University to make sure that all implemented**

systems are accessible to everyone who wants to teach, by creating a page on their website that includes a link to all implemented systems. CUCU also asks the University that hourly paid staff are paid for attendance at training for teaching as is the case at other HEIs.

Joint recommendations for the employment of college teachers

CUCU's sixth claim was for the sub-group to negotiate an agreed recommendation over the appropriate base rate for college supervision, an agreed recommendation over preparation time for supervisions and the implementation of contracts for hourly-paid teaching performed in colleges.

Practices in the payment of college teachers vary significantly across the University, with colleges for example paying supplements to their own fellows, resulting in wide disparities in payment for similar work. UCU also believes there is a major problem with the underpayment of hourly-paid college teachers for preparation time. Moreover, some of the hourly-paid teaching in colleges is done without a proper contract. While we understand the limits to the University's ability to mandate pay rates to colleges, we believe that the University has a responsibility to set out normative standards for the employment of college teachers.

These points were discussed in the 30 May, 27 June and 31 July meetings, and below are extracts of the minutes of these meetings.

30 May meeting:

- There was discussion around college supervisions. Keith Carne confirmed that most supervisors are employed if they provide regular supervision or are on a visa. Otherwise they are hourly paid. In his own faculty, the number of supervisions that hourly paid academics are able and willing to cover around their other commitments can vary substantially from year to year, which would make an employment contract impractical in the circumstances. UCU said they have many examples of individuals doing supervision on a regular basis. UCU suggested that Keith Carne sounds out colleagues about contracts and teaching rates.
- Keith Carne and UCU agreed that their preference was for a supervision payment which is easy to describe and which does not distinguish between subject specialisms.

27 June meeting:

- KC has raised the issue of college room bookings with Senior Tutors. It was agreed that the method for booking rooms should be reemphasised to staff, however colleges use different booking systems, rather than a centralised system.
- UCU confirmed that it didn't mind if colleges adopted their own electronic room booking system. KC will revisit this with Senior Tutors.
- UCU requested that hourly paid staff are paid for attendance at training for admissions and supervision work, whether at a lower rate, as is the case at other HEIs.
- KC has asked the Senior Tutor's Committee to consider the supervision rates with a view to making the overall payment rise linearly with the number of supervisees.
- KC has sought advice from the Legal Affairs Sub-Committee regarding the employment status of supervisors. To date HMRC have advised that supervisors are self-employed and the colleges will follow this guidance unless

it changes. An exception has been made for Tier 4 visa holders on the advice of HMRC.

31 July meeting:

- The Legal Affairs committee, the Bursars committee and Bursars' Business Committee said they will continue to follow HMRC advice that supervisors should be treated as self-employed (with the exception of those on Tier 4 visas). Such advice to be circulated to the group.
- KC agreed to revisit advice to supervisors regarding the implications of their self-employed status on CamCORS but commented that this was already very clear.
- The Senior Tutors concluded that it is not realistic to move to one college room booking system.
- KC expressed concern about how the additional cost of payment for training will be met and said the Welfare and Finance Committee will look at this further. KC also raised the risk that supervisors may attend paid training but then subsequently not supervise.
- The Senior Tutor's Committee and Welfare and Finance Committee have agreed that college supervision rates can rise linearly with the number of supervises (1-4), and follow a different pattern after that. And that the rate will continue to increase yearly in line with academic pay increases. Change will coincide with review of CamCORS and be implemented as soon as possible, aiming for the 2019/20 academic year.

CUCU welcomes the linear increase in rates for supervision with the number of supervisees, and discussions about payment for training. However, many points of this claim have not been discussed in detail yet. For discussions between CUCU and colleges to be more effective, **we recommend that CUCU takes part in Senior Tutors committee meetings in order to discuss these claims directly with all colleges.**

New policy for the use of TES contracts

CUCU's seventh claim was for the negotiations on improvements to terms and conditions for TES staff to continue; the negotiation of a new policy on the appropriate use of TES contracts; the issuing of jointly-agreed guidance to managers stating the preference for employment contracts unless the use of TES can be objectively justified; further support for managers to enable them to hire appropriately; agreement on the maximum length of time a TES contract should be used; a review of all current TES contracts with the aim of moving staff onto appropriate employment contracts wherever possible; regular monitoring of the use of TES contracts; the application of rights outlined by the 2010 Agency Workers Regulations to all TES staff in consultation with campus trade unions.

This point was discussed in the 31 July meeting, and below are extracts of the minutes of this meeting:

- HR believe that the TES handbook would continue to state the statutory eligibility criteria for SMP, but would advise TES workers to contact TES with further queries around SMP.
- A date and version number would be added to the TES handbook and changes would be sign-posted on the website. TUs requested that changes to the TES

handbook be brought to PWG, and shared with TUs, as an example of partnership working.

- Sick pay: HR confirmed that TES workers will continue to be eligible for statutory sick pay only, in line with TES equivalent services in other HEIs and agency workers. The TUs requested that scope for payment of the first 3 days of sick leave ahead of statutory sick pay be investigated.
- HR confirmed that TES would not introduce notice periods for TES workers or departments, as to do so would be to bring in mutuality of obligation, which is fundamentally contrary to worker status.-
- Length of assignment and transfer to FTCs: the TES team monitors lengths of assignments and the use of TES staff in departments. The maximum length of assignments will continue to be 9 months but TES will arrange for earlier reminders to departments when an assignment is to be extended beyond 6 months.
- HR confirmed that the 4-week break between assignments will be retained to maintain temporary worker status.
- HR explained that in principle the University could provide university cards to TES workers, but that the TES team need to work through some practical issues around that.
- HR confirmed that TES workers may now apply for “internal only” vacancies. Information to publicise this change will be communicated to departments. TUs asked if wording of internal vacancies can be changed to reflect this change.
- The unions noted that the TES handbook now contains more comprehensive information on pensions. TES explained that the pension scheme trustees are responsible for contacting individuals about changes. It was agreed that the Unions will be informed of any change in pension provider in the future.
- HR noted that there had been only eight informal and no formal complaints to TES in the previous three years. Since the TES team are independent from the departments, workers are usually very open about discussing issues with TES. However the TUs commented that they receive complaints from people that do not feel able to speak to TES.
- HR confirmed that the current processes concerning access to counselling and occupational health services would continue.
- Staff surveys: TES conducts its own survey of TES workers periodically, however TES have requested that the staff survey team should take TES workers into account in future university-wide staff surveys.
- DRC Non-medical helpers: a more detailed discussion will be held with the unions, the HR Business Manager and representatives from the DRC in due course. SH commented that flexibility around hours is key to managing this service which responds to short notice requests and average hours were low (around 100 hour p.a.).
- The Unions requested that TES workers be allowed to access University childcare in line with the equivalent rights of agency staff.

CUCU welcomes the small improvements made in the terms and conditions for TES staff and for the monitoring of repeat contracts granted to TES workers in lieu of an employee contract. We still have concerns about the length of time that some staff continue to work on these contracts given the lack of significant improvements to their terms and will continue to monitor the use of TES contracts. CUCU also notes the absence of response to our claim of the application of rights outlined by the 2010 Agency Workers Regulations to all TES staff. Several points still require discussion,

such as payment of the first 3 days of sick leave, and solutions to the heavy reliance on TES contracts at the Disability Resource Centre. Moving forward, **CUCU asks for twice yearly meetings between TES and CUCU, to maintain the partnership on improving TES conditions and to regularly re-asses points of the claim.**

Review of insecure teaching and postdoctoral jobs at Cambridge

CUCU's eighth claim was for the University to convene a sub-group to negotiate with us an agreed recommendation on the design of early career posts to ensure that more secure and more balanced academic jobs are implemented within departments.

UCU is concerned that 'early career' teaching and postdoctoral research jobs across the University and in the colleges are being poorly constructed. Postdoctoral research jobs are often extremely short-term and do not allow for balanced academic career development, including proper support in gaining teaching experience. While we understand there are limits to the University's ability to guide the design of college posts, such as Research Fellowships, we believe it has a duty to set out normative standards for colleges to meet. Many short-term and low-quality contracts are dependent on external grant funding. These posts are deleterious to staff wellbeing, and to the quality of research. The University has a responsibility to ensure that posts created via grant capture meet minimum standards, and where necessary to pool and share resources to support this.

This point was discussed in the 30 May, 27 June, and 31 July meetings, and below are the extracts of the minutes of these meetings.

30 May meeting:

- The University is reviewing FTCs of a duration of more than 5 years.
- There is an ongoing review of the Senior Researcher Promotions system under the direction of Professor Prager. It is planned to review the pathway from Research Associate to Senior Research Associate in due course. UCU asked if postdocs will be included in this review

27 June meeting:

JB met with SC in June and discussed the following points:

- Access to training and development: it was agreed that there is good provision in place for post-docs/early career posts, however the University needs to raise awareness around this provision and tackle any barriers preventing post-docs/early career posts from attending training or undertaking wider types of development activity.
- Facilitating, incentivising and recording development plans and conversations through appraisals and other means. The new criterion through ACP means academics now have a clearer interest in supporting research staff.
- The need for improved transparency and clarity about progression and promotion. It was agreed that this is not about creating a pathway for all post-docs to become tenured academics or SRAs but that for instance we could reflect in a more formal way the informal responsibilities and career development achievements of post-docs/early career posts.
- Preventing or mitigating the use of contracts of less than 1 year, particularly where there is some new grant funding confirmed down the line or use of bridging funding.
- HR Committee has discussed extending the current review of Senior Researcher Promotions to a general review of researcher promotions and progression.

- A University-wide statement of expectations and guidance about the management of research staff to help PIs and post-docs be clearer about expectations and support available to them, including what types of professional development they should be given access to.
- Development plans and conversations could be better utilised and recorded.
- This work can be framed within the University's response to the new Concordat (expected this summer).
- UCU requested that the ACP criteria made reference to developing post-docs in particular and that the new combined probationary policy aligns with the Concordat on career development.

31 July meeting:

- The University intends to widen out the Senior Researcher Promotions review to be a general review of researcher promotions and progression.

CUCU notes that discussions with OPdA (Office of Postdoc Affairs) have been constructive and acknowledge the inclusion of postdocs in Senior Researcher Promotions review. CUCU also recognise that the review by the University of FTC of more than 5 years is a positive change. However no concrete action nor timeline has been proposed to implement possible improvements for early-career staff. **We ask the University to include CUCU in all reviews affecting postdocs. CUCU also asks to be consulted in the writing of the University-wide statement of expectations and guidance about the management of research staff as well as University's response to the new Concordat, and for these to be released in Michaelmas 2019. Moreover, the University needs to provide a clear and timetabled plan to improve conditions for early-career staff.**

Agreement on provision of specific facilities time for negotiators

CUCU's ninth claim was regarding fair provision of paid time off or, in the case of hourly-paid staff, paid time on, to allow our representatives to meaningfully participate in the processes around and within these negotiations.

CUCU is very disappointed that the University has made no attempt to address this issue. This would have had a very small financial impact on the University, but would have shown commitment to this process. **CUCU asks for the University to at least provide paid time on for hourly-paid staff involved in the negotiations.**

As shown in this report, CUCU expects concrete solutions to the [anti-casualisation claim](#) in the discussions scheduled in Michaelmas 2019 between UCU and the University of Cambridge. All points of the claim have now been discussed, and this report highlights agreed recommendations but also claims that have not been answered yet. CUCU asks that the sub-group of Partnership Working Group, involving UCU and representatives of the University, uses the remaining meetings in 2019 to agree on recommendations to the University to be included in a joint report submitted by the end of December 2019.