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Challenging times: an analysis of current developments and future prospects for industrial relations in the UK higher education sector.

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Introduction:

This paper reports on research conducted in the United Kingdom higher education sector during the 2011-2012 academic year. The timing of the research was significant in that it captured a moment in time when universities in the UK were faced by unprecedented challenges. Although it may be argued that universities' independent status does not make them classic public sector institutions, in most of their essential forms, they can be considered a central element of the public sector. To this end, like other public sector institutions, in 2011-12, universities faced all the consequences of government attempts to face down the economic crisis by making substantial cuts in public spending. However, beyond this, universities were also confronted by a major change in their funding arrangements whereby public financial support for the vast majority of undergraduate courses was withdrawn, and replaced by income to be generated from tuition fees paid by students. When this research was conducted, universities were due to take their first intake of full fee-paying students in the following academic year. These two issues on their own highlight the challenging and uncertain times faced by the UK's universities. Other issues, including a looming and high-stakes research assessment exercise, the Research Excellence Framework (REF), might be added to the mix.

This research sought to gather the views of key participants within the higher education sector about the challenges posed at the time, in particular in relation to the management of labour at a time of rapid change. A period of turbulence might be expected to generate significant tensions resulting from changes in working practices and, in this context, the need to demonstrate competitiveness in an increasingly marketised environment. The aim of this research was to identify what labour management issues were beginning to emerge, and might emerge in the future, from the perspective of key participants in the sector. However, the research also seeks to link these labour management issues to the sector's industrial relations structures, which might reasonably be expected to provide a framework within which potential labour conflicts might be contained.

At a time of unprecedented sector change, this research is concerned, therefore, with two issues:

1. Identifying current and future developments in the nature of academic work.

2. Assessing the extent to which current industrial relations structures at national and institutional level appear able to cope with the demands being placed upon them.

The research is a small scale scoping study intended to help clarify issues for a future, more substantial study. There is no claim to generalisability from these findings, and we recognise the limitations of a small study. However, we are confident that many of those who work in the sector will find something in this report that resonates with their own experiences. The findings are based on semi-structured interviews with a number of key participants in the sector (full details provided in the Methodology section). Interviews reflect the perspectives of those working at national and institutional level, from both employer and employee perspectives, and across a range of institutions.

The paper begins by setting out some important contextual issues relating to higher education policy and industrial relations in the sector before presenting the methods of data collection and analysis on which the findings are based. The findings are presented in three parts: emerging issues in academic labour; developments in industrial relations structures; a discussion of union strategies in light of what the particular challenges current and future developments might pose to organised labour in the sector.

Policy context – the University in transition:

The university sector in the UK is well used to substantial change. For some time, and certainly since the ending of the binary divide in 1992, UK universities have been coming to terms with a much changed environment. Many of the features of this new environment can be considered global in their reach, and are associated with the emergence of more market-focused institutions (Bok 2004). Higher education as a public good, in publicly provided institutions with student attendance supported by public expenditure, has increasingly been called into question (Marginson 2011). Indeed, on a wider level, it is possible to identify something of an identity crisis within the university itself (Barnett 2010). Universities' traditional 'mission' has been challenged as Universities have been encouraged to be increasingly 'entrepreneurial' in terms of both student recruitment and the generation of external sources of income including research and consultancy. The emergence of the entrepreneurial university, driven by the imperatives of 'academic capitalism' (Slaughter and Leslie 1997) is now widely recognised. Whilst its form may be constantly contested, few would question this description of the university as the dominant policy in trajectory in recent years. This locates reforms within the higher education sector within a much broader restructuring of public services along neo-liberal lines whereby private provision is encouraged, markets are intensified, and regulatory controls are removed (Rothstein et al. 2002).

However, whilst recognising that these trends represent global developments in higher education policy, it is important to acknowledge the enduring importance of local contexts. Rizvi and Lingard (2009) caution against over-simplifying global trends and imputing such developments across a range of different contexts without recognising the ways in which globalised policies become 'vernacularised'. Put simply, global policy trajectories play out in different ways in different places, and understanding these nuances is central to being able to adequately analyse higher education policy development in different national contexts.

Within the UK, higher education policy might be characterised as exemplifying the neo-liberal restructuring of public services in its most developed form relative to the experience of other countries. For example, writing at the end of last century, Slaughter and Leslie's (1997) study of the USA, Canada, Australia and the UK argued 'The United Kingdom *demonstrates dramatically* [our emphasis] the pattern of change that has taken place in tertiary education in the four countries in response to global competition (p40)'. However, the change that Slaughter and Leslie describe has increased at an exponential rate since the start of the new millennium with the UK's higher education sector now experiencing a period of substantial turbulence.

Current problems are unquestionably compounded by the politics of austerity, and the determination of the Coalition government to exert a downward pressure on public spending. However, our argument is that this provides no more than a backcloth to the wider structural changes in the sector that are the real source of tension and that are driving major change. Different political parties will have different perspectives on higher education, and on associated levels of public funding, but there is clear evidence that a cross-party consensus exists in relation to the major structural reforms currently being introduced within the sector. This consensus is based on placing increasing emphasis on universities generating income directly from users, that is away from direct public funding, combined with the further application of market principles across almost all aspects of higher education delivery.

This 'direction of travel' was most clearly set out in the Browne Report (2010) into university funding and student finance. The Browne Report made a number of specific proposals about university funding, but it is the wider analysis that is most significant. The Report acknowledged the need for more investment in the University system, but argued that Universities needed to be made to compete for the funds they require. At the heart of Browne's analysis was the conviction that there was insufficient competitive pressure within the system, and therefore incentives for 'good performance', or sanctions for 'bad' were ineffective by dint of their absence. The Browne Report made the following proposals for change:

> In our proposals, there will be more student places across the system as a whole. Relevant institutions will be able to expand faster to meet student demand; others will have to raise their game to respond. Students will be better informed about the range of options available to them. Their choices will shape the landscape of higher education. (Browne 2010 p25).

The intellectual argument presented by Browne is the intellectual argument for the market as opposed to planning, albeit a market with significant state intervention and regulation. It is an argument based on the conviction that the serious injection of market pressures in the University system would bring forth a virtuous circle of rising quality, increased demand and greater investment. In the global market that is higher education, the best will compete to be even better, whilst the rest will be forced to 'raise their game to respond.' Where there is 'institutional failure', the Browne Report set out how any processes of contraction/collapse might be managed, through merger and take-overs, so that student interests would be safeguarded.

The Browne Report was commissioned by a Labour government, and its aspirations for system expansion already seem anomalous only two years later when system growth appears to have been thrown into sharp reverse (BBC 2013). However, in many respects, the policies introduced by the Coalition differ only in detail from those advocated by Browne. Our argument is that an understanding of the Browne Report is essential for an understanding of the higher education landscape in the UK. What the Browne Report does most clearly is articulate a set of market principles that underpin the context in which all UK HEIs are compelled to operate. As such, the Browne Report provides an explanation and rationale for the substantial changes now being experienced across the sector. However these changes are perceived, whether favourably or more critically, there can be no denying they represent sector change on an unprecedented scale, with its corresponding impact on individual institutions and the people who work in them.

The research presented here is concerned with how these processes of change are being managed within the sector, and specifically in the context of the system's 'industrial relations frameworks'. Our argument is that any period of substantial change is likely to generate significant tensions, and management challenges. Industrial relations frameworks represent one of the principal means by which these tensions may be managed. This research therefore aims to identify what issues appear to be emerging within institutions, and to assess whether the industrial relations mechanisms that exist within the sector (at national and institutional level) appear able to 'contain' these issues, or whether the industrial relations structures themselves may come under pressure.

Industrial relations in the higher education sector - defining features:

Industrial relations in higher education sectors have rarely been the focus of academic research, and within an education context have received much less interest than either the school or further education sectors. What research has been conducted has generally been carried out in the USA, with little that is recent. Given these points, we seek here to set out a number of contextual issues about academic work and industrial relations in the UK higher education sector that can help the reader to gain a better understanding of the issues raised by the research findings presented later. The three contextual issues we present focus on are i) the specific nature of academic labour as work, ii) the particular features of the UK higher education sector and iii) basic details of the industrial relations framework that currently exists in the UK HE sector.

     i)   *Academic labour as work:*

Although the work of educators is often treated as distinctive, we have found labour process theory a helpful lens through which to analyse our data. This theory pays careful attention to the specific nature of work, including the type and range of tasks undertaken, and the skill levels required to undertake such tasks. However, labour process theory also locates work within the social context of an employment relationship in which labour is exchanged for wages. Consequently, there is a focus on how labour power is translated into productive labour, and on the management processes that may be used to achieve this (Reid 2003, Carter and Stevenson 2012).

Studies of academic labour have identified a number of features of the academic labour process that do, indeed, distinguish it from other occupational groups. There is not the space here to provide more than an overview of these arguments, but some understanding of these issues is germane to this paper. Many studies of academic labour have highlighted the relative autonomy of academics as they organise their work. Job descriptions are generally broad in scope with considerable discretion as to what work activities are undertaken. There is a view that academics are subject to limited managerial oversight with an assumption that high levels of intrinsic motivation, and the nature of intellectual work as a creative activity make tight managerial control either unnecessary or inappropriate. It is also argued that the university tradition of academic freedom stands at odds with close managerial supervision. Finally, several commentators highlight the individualised culture within academic work. For academics, work patterns can look quite different to those of colleagues, which can translate into a weakened attachment to any sense of collective professional identity. It is also important to recognise that, within higher education, there is no equivalent to the 'qualified teacher status' that has traditionally acted as a binding agent in terms of school teachers' sense of professional identity and their notion of membership of 'a profession'.

This is, inevitably, a brief summary of some key issues and no more than an overview of some of the specific features of academic labour that are identified in the research literature. Such presentations always run the risk of over-simplification, and, therefore, we would wish to highlight a number of caveats that complicate the picture so far presented. First, any overview of a labour process must take account of the considerable differences within it, and changes over time. The concept of workplace autonomy, for example, may resonate with many academics, but it would be challenged by many others. Second, academic work can look very different depending on the type of institution where such work

is undertaken, and to what extent, for example, engagement in research is considered an expectation of academic staff. The final qualification is to recognise that a substantial proportion of the HE sector workforce are not academics (in the broadest sense of being engaged in teaching and/or research), but perform a wide range of roles across HEIs. Academics are an obvious focus because of their numerical and strategic significance, but they are by no means all of the HE workforce. Within this study, and given its small scale, the focus is on academic labour.

ii)   *UK higher education - one system, two traditions:*

The UK higher education system includes over 300 institutions that provide higher education courses. However, taking membership of Universities UK as a definition of a traditional higher education institution then the number of relevant HEIs is 134. The vast majority of these can be considered as 'public institutions' with the private sector representing a very small proportion of the total. There are, more recently, several indications of this system becoming more diverse with the growth of higher education provision within the further education sector perhaps being the most significant development. Within the sector, individual institutions are largely clustered into 'mission groups' in which different universities that may be considered of a similar type form networks to represent collective interests. The sector therefore is diverse, and during this research the notion of a single 'HE sector' was questioned by several interviewees. However, for the purpose of this research, a key differentiator within the sector as a whole remains the distinction between pre- and post-1992 universities. Prior to 1992, a binary divide existed whereby Universities had degree-awarding powers and the Polytechnic sector awarded degrees through a central awarding body. The Universities at that time were independent and established by Charter, whilst the Polytechnics were maintained within a local government system. In 1992, polytechnic institutions were provided with degree awarding powers, established as independent, incorporated bodies, and conferred with the status of university.

Although there has nominally been a single system 1992, the legacy of inherited differences and traditions has proven to be enduring. One obvious difference is that the nature of academic work in the two types of institutions had traditionally been different. In the pre-1992 universities, there was a more explicit recognition that the academic role combined teaching and research activity, whilst a much stronger emphasis on teaching ensured that post-1992 institutions tended to have less focus on research. Whilst this statement masks significant variation within the two sectors, it nevertheless stands as one of the key features of the divide, and one that has proven difficult to change for the newer universities. This difference highlights differences in the nature of work within the sector, and hence a labour process that is, at least in part, shaped by the type of institution within which work is conducted. However, it is also important to recognise that different governance and management traditions within the two sectors have also continued since sector unification. Pre-1992 Universities had their own senate or governing body and, as a consequence, the work of staff, and in particular academic staff, has been largely determined by the statutes of each university. In contrast, pre-1992 universities emerged from a local government tradition in which governing bodies were the significant employing body, but which operated within a more traditional system of national collective bargaining. As a consequence, there existed a 'national contract' determining conditions of service for staff in the post-1992 universities that had no equivalent in the pre-1992 sector. Incorporation of polytechnics in 1992 did not end this national contract, and it remains an important distinction between the two sectors. This issue, in turn, points to the third feature of the system we wish to highlight, namely industrial relations structures.

iii)   UK HE sector industrial relations framework:

We have argued previously that 'work' forms part of an exchange relationship in which the employer acquires an employee's labour power in return for remuneration in some form (salary, benefits). In classic liberal terms, this is a market transaction in which an individual employer contracts with an individual employee, and the terms of that relationship are set out within a contract of employment. However, a feature of much employment is that the terms of that contract are not negotiated on an individual basis, but are determined through collective representation of either employers or employees or both. It is the existence of agreed structures to manage the employment relationship that we refer to as an 'industrial relations framework'.

In order to understand the industrial relations framework in any context, it is important to consider what aspects of the labour process might be the preserve of the employer (represented through 'management'); what aspects might be at the discretion of the employee, and what aspects of this relationship are governed through institutional arrangements of employers and employees. This is inevitably a simple presentation of the issues, and, in reality, these distinctions are the subject of constant negotiation and re-negotiation (what Goodrich (1920) referred to as the 'frontier of control'). However, at this stage, and with a focus on industrial relations frameworks, they focus attention on a number of key questions that inform this research. These questions may be presented as – what aspects of the labour process are the subject of bargaining? Who is involved in representing employers and employees and what are the mechanisms used to facilitate interaction? Finally, there is a concern with identifying the level within the system at which decisions are made (national, institutional or departmental might be possibilities within a university context).

This research seeks to address these questions from an evidence-based perspective. However, in order to provide basic contextual information, it is important to highlight a number of issues. In terms of a national level industrial relations framework, then a single employer body represents individual institutions, the Universities and Colleges Employers' Association (UCEA), whilst employees are represented by five different trade unions – the University and College Union (UCU), the Educational Institute of Scotland (EIS), Unite, Unison and the General Municipal and Boilermakers' Union (GMB). UCU is the main union representing academic staff, with EIS representing a small number of academic staff in Scotland. In other instances within the sector, representation can be complex and will depend on individual institutions or type of institutions. For example, white collar support staff will tend to be represented by Unison, although many library staff will be represented by UCU in the pre-1992 sector but by Unison in the post-92 sector. Manual staff doing the same job may be represented by either Unison, Unite or GMB, depending on institution. The two sides meet through the Joint Negotiating Committee for Higher Education Staff (JNCHES). JNCHES has an agreed procedure, including a dispute resolution procedure, for dealing with annual pay negotiations – its concern is with 'pay and related matters that are determined at national level' (New JNCHES Agreement 2007). The JNCHES Agreement is currently being reviewed as part of an agreed evaluation of its work since it was established. Outside of annual pay negotiations, the JNCHES has a very limited role, although it was central to the implementation of the Framework Agreement, whereby a single pay spine was introduced across the HE sector covering pre- and post-1992 institutions and academic and support staff, described by UCEA (2008) as 'the largest human resources exercise [in the sector] for many decades.' (p6).

Issues other than pay are determined by individual institutions. In the case of post-1992 institutions, the national contract remains in place, although there now exists no central mechanism for (re-)negotiating it. Conditions of employment are determined by individual institutions and the mechanisms to do this are also something that are determined by individual institutions.

Methods:

This paper reports findings from a small-scale scoping project. Its principal purpose was to identify key issues in relation to developments in academic labour, and associated developments in industrial relations structures in higher education. This was achieved by conducting semi-structured interviews with 17 participants within the higher education system. The sample was chosen to provide a range of perspectives, reflecting employer and employee opinion, national and institutional perspectives and across a range of institutions.

Interviewees were as follows:

Vice-Chancellors   4
Directors of HR   3
UCEA officials   2
UCU branch officers   6
UCU official - national   1
UCU official – regional   1

We are very clear that this is a small study and we make no claims to generalisablity. However, the range of perspectives represented in the sample, and the excellent overview offered by the interviewees, provides us with some confidence that the work has considerable 'relatability' value (Bassey 1981). This is ultimately an issue for others to judge, but we hope that the issues raised help to illuminate many of the challenges currently facing those who work in the higher education sector. We recognise that many of the issues we raise would benefit from more detailed and in-depth research, and this is work we hope to undertake in the future.

Findings:

Emerging issues:

In the original proposal for this research we speculated that the changing environment in the HE sector represented 'challenging times', and that this, in turn, would be likely to generate difficult issues for the management of labour generally, and for industrial relations structures, in particular. During the period of data collection, this hypothesis was clearly confirmed. Both employer and union-side interviewees discussed growing pressures arising from the wider external environment, and the various ways these were increasing pressures on labour. At the time of data collection, there was a palpable sense of uncertainty, caused principally by the substantial increase in tuition fees and the associated changes in funding arrangements. Interviews were conducted during the period when universities were setting their fee levels for the 2012-13 academic year. At the time, this took universities into very largely uncharted territory, with no clear knowledge of how student demand might respond to the fee increases. This was obviously an immediate and pressing issue, but there was a recognition that, longer-term, the sector was entering a qualitatively different phase of

marketisation whereby institutional success would be linked much more closely to performance. One of the consequences of these developments was that the approaching Research Excellence Framework (REF) was assuming increased significance. As the HE market appeared to intensify then the significance of initiatives such as the REF (that not only have a direct impact on income generation, but also contribute to determining the increasingly important league table position) became correspondingly more high stakes.

All of these 'sector specific' issues were set in the wider context of continued economic crisis; government commitments to austerity policies, and a resulting pessimism that public funding would be unlikely to grow in appreciable terms in the foreseeable future.

Given these circumstances, it would be surprising if these issues did not have a significant impact on those working inside the higher education sector. In an industry that remains labour-intensive, any drive to improve performance without any corresponding increase in resources is very likely to generate additional pressure on labour to increase productivity. Productivity is, itself, a relationship between the costs of production and the value of output. Therefore increases in productivity can only be secured by either reducing costs, or increasing output. Hence the need to focus on the 'pay for performance' bargain between employer and employee.

Within the context of this study, there appeared to be relatively little focus on pay within the relationship described above. This might be for a number of reasons. First, pay is largely determined externally (through national bargaining arrangements – see below), and therefore sits outside institutional control. As we will see, this does not have to be the case, but institutions may find it helpful for this particular playing field to be largely level. Second, productivity is notoriously difficult to achieve by driving pay downwards (see for example, efforts in the Republic of Ireland to reduce pay in the higher education sector). Third, reflecting the wider economic climate, pay levels in the sector were not increasing in ways that were seen to be problematic by employers; indeed, pay stability was resulting in real terms pay reductions. For these reasons, improvements in productivity were not focused on pay, but rather much more obviously on performance.

The focus on performance, in different aspects, was an issue across the interviewees in the study. We would highlight three aspects of the focus on performance that emerged from this study and that have important implications for the management of labour.

What work is done? (the output)
How much work is produced? (quantity of output)
To what standard is the work produced (quality of output)

In each of these aspects of work, interviewees highlighted some significant changes. Within the research, we were provided with numerous examples that provide responses to these questions, but, for reasons of space, we will offer one particularly illuminating example in relation to each question posed.

In relation to what work is done, we found evidence of institutional restructuring and the development and/or curtailment of different areas of activity. Redundancies, in some form, were an experience common, but not universal, across many of the institutions where we conducted interviews. Although some redundancies were experienced in pre-1992 universities, these institutions tended to be less prone to this phenomena than their post-1992 counterparts. Part of this can be attributed to individual contexts with pre-1992

institutions having stronger asset bases and more diverse income streams. However, post-1992 institutions appeared to operate in much more volatile markets. They were more likely to develop new areas, and close down existing provision, as they sought to locate some competitive advantage in a highly competitive market. One interviewee pointed out that his university had made several redundancies each year for a number of years, but that net staffing had not decreased. Rather redundancies were the result of cutting some areas of activity, often in order to be able to develop others. Our interviewee described this as a 're-tooling' of the workforce.

> *Redundancy is a form of re-tooling. It is declared as redundancy - but actually we have never really ever shrunk in size. So, when management tells us that there is a redundancy situation, then, either, it means that they want to get rid of some people because they are too bolshie, or it means that we want to re-tool i.e. we want to get rid of the ones that we think no longer are fit the bill. I don't think there has really been a genuine redundancy situation in this institution as long as I have had anything to do with the negotiations.*
> UCU branch officer, Post-1992 University

'Re-tooling' was not confined to the post-1992 sector. Several management representatives in the pre-1992 sector also recognised that the staff profile they currently had did not align with what they thought would be required in the future:

> *We definitely have some people who are up for that and you know have got the abilities. We have got some people who are up for it but do not know how to do it - and we have definitely got some who are not up for it at all.*
> HR Director, Pre-1992 University.

Another HR Director commented:

> *… and there was an element of developing the existing resource that we had, but also recognising that there were some people who would be beyond that journey, and chose not to join, and not to join the organisation on that journey. And, in the early days, when I was here, there were some very difficult conversations that we had, and a number of people about how this was not the right bus. And there were a number of people who left the organisation. And we also went through various restructurings, through a process of voluntary severance, and a minor number, a smaller number, of compulsory redundancies.*
> HR Director, Pre-1992 University

Problems relating to the quantity and the quality of output were also illustrated in many ways, but perhaps most clearly in relation to research activity. Again, this was not universal across all institutions, but there were many instances of increased expectations on academic staff to undertake more research, and to produce research outputs that might be scored more highly for REF purposes. In one institution, new job roles were published that included expected figures for external income generation, at every grade, from Lecturer through to Professor. Not only was this a new development in itself, but, according to the union officer interviewed, the figures were unreasonable and unrealistic. In another institution, over a

hundred formal performance reviews had beentriggered in cases where research outputs were considered inadequate for REF purposes.

All of these instances point to a shifting frontier of control as greater managerial authority is imposed on the labour process. However, this is not uncontested, and industrial relations arrangements provide one mechanism for managing these issues. It is at these issues we look next.

Bargaining arrangements:

As we have argued previously, much of the day-to-day experience of work in a university is framed by a relationship between the employee and management in which employees use personal judgements about how to perform the work they are expected to undertake. This is the pay-for-performance exchange in which management and labour conduct their business. However, important aspects of this relationship are framed by collective representation, in some form, whereby employee interests are represented collectively through their union, and the union enters into a relationship with the employer to shape the terms of the pay-for-performance exchange. The nature of this exchange may be referred to as bargaining. Any focus on bargaining in any workplace context might be considered to be concerned with three questions:

What is bargained over? (the scope of bargaining)
Where does bargaining take place? (the level of bargaining)
How is bargaining conducted? (the processes of bargaining)

Earlier in this paper, it was highlighted that centralised collective bargaining arrangements exist within the HE sector, focusing on issues of pay, but that almost all other issues are determined at institutional level.

Much of the debate about industrial relations issues in the higher education sector has focused on the future prospects of national collective bargaining. Many of the trends identified in this paper (sector fragmentation, marketisation) are associated with a move away from national bargaining as individual institutions seek to develop individual strategies, apparently unconstrained by a nationally determined framework.

Within this study, we found little evidence of any immediate threat to national collective bargaining as a means of determining pay within the sector. One obvious example of system fragmentation would be individual institutions opting-out of the national pay negotiations, something they are already able to do within the procedure determined by the employers' organisation, UCEA. At present, this is not happening, with the vast majority of HEIs subscribing to UCEA, and, within that, signing up to the national negotiating process and its outcomes (as they are required to do an annual basis). The process itself can be described as a very traditional form of collective bargaining. It displays many of the features described by Stevenson (2012) in terms of its clear focus on negotiating (a collective agreement), high levels of formality, limited scope, and cyclical nature. The critical importance of pay ensures the system appears to be highly centralised, although, as one UCEA official asserted, '*there is the perception that it is more centralised than it really is.*'

On the union side, as might be expected, we found a strong commitment to maintaining national collective bargaining. Amongst public sector unions in particular, the commitment to national collective bargaining is a common objective. Given the growth of pay review

bodies elsewhere in the public sector, and the recent discussion of local and regional pay, the existence of national collective bargaining in the HE sector is something unions are keen to maintain.

In contrast, employer opinion within this study was more diverse. One Vice-Chancellor saw no future for national bargaining, and this view was not unique. There was some confidence expressed that, in the longer term, the system would become untenable – unable to cope with the pressures to reflect the diverse and diverging interests of different institutions.

> *I think that it [pay and conditions] is going to be far more individualised. I don't think we are there yet and it will pose some significant challenges to what has been a very highly unionised structure with a very strong reference to national terms and conditions. I think and expect you will probably be hearing this a lot - that national pay bargaining will disappear and it may disappear within the next 12 months - but it will certainly disappear within the next to two to three years. What replaces it then becomes the interesting question. Whether it be regional or mission group based or whether it is individual institutionally based -   we need to go there.*
> Vice-Chancellor, Pre-1992 University

Recognising the small sample of interviewees, it was possible to discern a much more pragmatic response from Directors of HR. Here, there was little appetite for any significant change to current arrangements. This view was based on two considerations. First was a concern that local systems lacked the capacity take on plant-based pay bargaining. There was an understanding of the centrality of the pay issue, and a reluctance to get involved in the complexity of local pay negotiating. Second was an appreciation by the employers that a central employer organisation acted as a 'lightning conductor' in relation to pay disputes and their associated conflict. Put simply, there was an appreciation that when conflict over pay emerged, the employers' organisation, rather than the individual employer, became the target of union members' ire. It was reported to us that this helped to insulate relationships at an institutional level. One HR Director commented –*'it is quite convenient having them as the bad guys ... if you need to do that.'*

As indicated, some employer representatives believed that, in the longer term, the system currently in place was not sustainable. However, there was little precision about when this might change, under what circumstances, and, crucially, what might replace it. Indeed, on this last issue, we were presented with no clear alternative, other than a recognition that the problem of what an alternative system might look like was a difficult one. Certainly for the immediate future, we would argue that national pay bargaining seems secure. This can be attributed to a number of factors: First, for some time, and possibly for some time yet, pay rises in the sector have been extremely limited. In these circumstances, employers are unlikely to feel the need to depart from a negotiating mechanism currently delivering well-below inflation pay rises. A challenge is much more likely when, at some point in the future, pay rises start to climb (whether due to rising inflation, pent up employee demand or union pressure, or, most likely, a combination of these factors). Second, national collective bargaining is quite limited in its scope. Its focus is almost exclusively on pay, with non-pay issues clearly outside of the JNCHES remit. Whilst unions were keen to broaden this remit, for example, in relation to job protection agreements, it was clear that individual HEIs were keen not surrender their institutional autonomy to a national body. Furthermore, institutions already retain considerable flexibility in relation to pay, and this goes some considerable way towards meeting their needs to respond to local circumstance. Within the

pay scales that are subject to JNCHES agreement, institutions still have the possibility of using internal promotions and/or additional increments to reward performance. Moreover, JNCHES agreements do not apply to senior appointments. This is precisely the place HEIs are most likely to want pay flexibility, in order that they can pay market supplements to attract known stars.

The commitment to retaining institutional autonomy over non-pay issues focuses attention on institutional level bargaining arrangements and, in this regard, it is important to highlight the considerable diversity in practices.

Individual universities have considerable autonomy over non-pay issues (especially in pre-92 Universities where there is no national contract) and, therefore, there is the potential for considerable workplace bargaining with relevant and recognised trade unions at institution level. In all the institutions where we conducted interviews, this took place in some form, although often using processes that contrasted sharply with those that existed at national level. For example, we indicated above that the JNCHES process represented what might be called consummate collective bargaining with a negotiated agreement the aim, and highly formalised processes to secure that. At a local level, we identified very little of this formality, with much greater emphasis on consultation rather than formal negotiation. However, as we will argue, this distinction is not an easy one to make explicit, and what is sometimes described as consultation might best be described as informal negotiation (Stevenson 2005).

In all the institutions where we conducted interviews, there existed a forum where management and unions would meet on a scheduled basis. These were generally informal gatherings in the sense that there were no clear protocols determining the conduct of business. For example, we found no evidence determining a formal constitution whereby membership and representation were specified.   By far the most common model described was of a scheduled meeting between management and unions (although often not frequent), and with working parties established to focus on specific issues, as required. In a small number of cases, management representation would include the Vice Chancellor, but, more commonly, it was headed by a Pro-Vice Chancellor or Director of HR. Agendas were determined by either side presenting an issue, and the level of formality in terms of minuting and recording tended to reflect the informal nature of meetings. Agendas appeared to reflect a concern with traditional trade union issues, with little evidence that union concerns extended beyond the 'industrial' to include 'professional' issues. 'Professional' issues were deemed to be the business of academic committees.

In contrast to the formality of JNCHES arrangements, institution based arrangements appeared to be more accurately described as consultative bodies rather than negotiating bodies. In this sense, there was often an unintended consensus between management and union representatives. Management tended to be keen to assert that they consulted their unions, and valued their opinions, but that managerial responsibility was theirs and that decision-making rested ultimately with management. This was not a collective agreement in the classic sense of collective bargaining. Union interviewees also often emphasised that discussions were consultative, meaning views could be expressed, but management were under no obligation to act on union views. One expression of this relationship was the common practice of presenting important statements relating to HR issues as 'policies', or even Handbook 'contents', rather than formal agreements (the traditional outcome of a collective bargaining process). In one case, the local committee was referred to as the Joint Negotiating Committee, but the UCU officer was sceptical that genuine negotiation took

place – '*the new director is not into negotiations as far as we are concerned he will consult with us - he keeps talking to us about a partnership relationship - basically he wants us to rubber stamp everything that they do.*' This was described as a deteriorating relationship in which a previously productive relationship had been replaced, following changes in management, by one that was much less useful to the union.

However, closer examination of these processes did reveal a more complex reality. Although management appeared to retain the final say on policies, there were cases described where union argument, and pressure, had brought changes opposed by management, but conceded in order to secure union support. Therefore, although nominally a consultative process, it was clear that in some cases, the reality would be better described as a process of informal negotiation.

The final point we would make in relation to institutional bargaining arrangements relates to their future status. In this regard, it is possible to discern two, contrary, but not inconsistent trends. In some cases, it was reported that management-union consultation arrangements had become more formalised, with an apparent consolidation of the unions in processes. In one institution, this was described as a move from a 'tea and buns' meeting with the VC, to a regular, minuted meeting led by the Director of HR. Where this increased formality was described, much of it was attributed to new personnel in leading roles seeking to formalise and modernise consultative arrangements. In this small study, there were several cases of meetings becoming more regular and more formal, although clearly within a consultative based framework.

In contrast, there were several instances where union interviewees identified a downgrading of their role with a perception that management were seeking to marginalise or circumvent the unions (see previous example also). One manifestation of this was an attempt to reduce the amount of facilities time available whereby union officers receive release time to undertake union duties. One union officer described a progressive downgrading of this, but, in another case, the reduction was substantial and triggered a dispute which in turn raised much wider questions of union recognition at the institution. This was presented as part of a wider anti-union strategy on the part of management.

> *He [new Director of HR] was headhunted to come and put the boot into us,*
> *really ... which, in many ways, he has succeeded in doing in terms of making*
> *the Union Officer's role unattractive to do now - because it is so monitored*
> *and there is so little time and it is so stressed.*
> UCU Branch officer – post-1992 University

Attempts to undermine union organisation in this way were more likely in cases where the union was seen as obstructive of management change. One Director of HR bemoaned that UCU in particular would not adopt a 'realistic' approach to dealing with problems the University faced. The argument was presented that the union should represent its members but that it had a responsibility to help management solve institutional problems. In this case, the HR Director questioned the legitimacy of the union's actions (in particular in relation to jobs-based strike action) and argued that, in future, the University may seek to undertake more 'direct communication' with staff. This tension was articulated by one Director of HR who was facing a local dispute at the time of the interview relating to redundancies. The following text is lengthy but highlights very clearly the options being considered as union members resist job losses:

I was speaking to the VC this morning and what I was saying to him was 'we need to have an eye for the long term here. We can't fight or deal with this particular issue [redundancies] without an understanding of where we want to get to in the future'. Where I would want to get to, and I think where the VC wants to get to now, is a position where we deal more directly with our people on matters that affect them, and that means that our communication of all our major changes, of the changing landscape, of the reasons that underpin what we would wish to do, needs to increasingly improve, and we need to be speaking to our trade unions simultaneously as we speak to our staff. We will engage with our trade unions and my view of the future is that we will engage with our trade unions when we need to. We will provide them with the relevant information to inform a view about our proposals that we come to them with, but, frankly, particularly with UCU, the conversation is almost hollow, or it is not of the real world. And so the idea that we would continue with that kind of dialogue is not of the real world. It is not reflective of where we are, or where we want to get to. It is investment in the wrong area when we should be investing in bringing the majority of our staff with us on that journey. Rather than an environment where they have chosen to take industrial action- or the 200-something that chose to vote. We have got to have an eye for the future - of the big game.
HR Director Pre-1992 University

These latter cases highlight the tensions that arise as issues identified earlier in this paper emerge more visibly, and begin to generate additional conflict. This study indicates that the institutional structures that exist in the university sector for managing many of these issues remain undeveloped and informal. These may have been suitable to manage such issues in the past, but it remains an open question as to whether they are fit for purpose in an environment in which the pressures to intensify the labour process are likely to increase.

Workplace change and union responses:

The issues raised above pose very significant challenges for the trade unions in the higher education sector. Pressures on institutions to increase output, whilst maintaining tight control of expenditure, are likely to place particular pressures on employees. Redundancy, outsourcing of jobs to private providers, and increased pressure to undertake more work and/or produce work deemed to be of higher quality, combined with closer monitoring and surveillance of performance are likely to impact on employee morale and satisfaction. How will unions in the sector respond, and how will they seek to most effectively represent members' interests?

The size of universities as workplaces may account for all of the institutions where we interviewed having a recognisable presence and level of organisation. This contrasts with the school sector where a more highly unionised sector may commonly have workplaces with no visible union representative (Carter et al. 2010). In most cases, UCU organisation centred around the branch committee, and it was key personnel on the committee who represented the union at meetings with management. Individual casework was dealt with in different ways in different institutions. In some universities, this was being handled by a small number of designated branch officers; in others, they had a network of casework officers working across the University. A particular feature of the institutions where we conducted data collection was the willingness of branch officers to undertake detailed and complex casework. This included taking individual disciplinary cases through to potential dismissal. In

the institutions included in this study, full-time UCU officials were rarely used for individual casework, and were generally used only when collective discussions with the employer had reached an impasse. Beyond those involved in casework, there was, in some cases, evidence of a network of 'departmental contacts' but these tended to have a limited role, such as distributing union literature.

It is important to note that there were no discernible differences in union organisation depending on type of institution. Post-1992 institutions might have been expected to have a stronger union culture, with this sector's historical roots in local government and the predecessor union NATFHE having a more militant tradition than its counterpart in the pre-1992 sector, AUT (Carter 2008). However, in this small study, any such differences were not apparent.

Given the diversity of what has been described here, and given the nature of the sample, it is not easy to identify particular types of union strategy adopted at institutional level. Based on interviews with UCU officers, but also drawing on data from employer representatives, we would argue that most branches adopted a social partnership approach to industrial relations issues. This description as social partnership partly draws on the experience of a social partnership between the school sector unions and the employers during the period of the last Labour government, but also draws on wider, and more mainstream, social partnership literature relating to non-education sectors.   The term 'partnership' indicates that these were, by and large, not adversarial relationships. Although there were disagreements, and a potential for conflict, for much of the time, relationships were stable and considered to be of mutual benefit to unions and employers. Discussions between the union and management were largely informal with a clear emphasis on consultation. In these cases, there was a strong emphasis on union officer-led activity and membership engagement. Partly as a consequence, mobilisation tended to be low. Member attendance at branch meetings would be modest, with little activity between meetings.

This social partnership model contrasts with a much more active-based unionism witnessed in two of the institutions. Although industrial relations structures were little different to those seen elsewhere, there was evidence of increased formality in proceedings, and of consultation processes effectively becoming *de facto* negotiations. This was when union pressure appeared to compel management to make concessions that it would otherwise seek to avoid. In these cases, union opposition to particular management initiatives generated significant resistance. Union officers were able to mobilise members through strike action, and the threat of strike action, to press their case. In one of these two cases, this upsurge in membership militancy not only brought the union branch into conflict with the employer, but also with the national union, as the full-time official for the area sought to de-fuse demands for strike action. Another feature of this type of union activity was a form of social movement unionism whereby union action involved a broader set of alliances (for example with students) and campaigned on a wider set of issues than those of immediate concern to members (such as a UCU campaign for a Living Wage for University cleaning staff).

Conclusion:

The findings from this small scale scoping study highlight the scale of change within the UK higher education sector and the impact this is having on those who work in universities. Although the introduction of full-scale fees is no longer new, and the market may now be

marginally more predictable, the continued intensification of market pressures is likely to ensure that substantial change remains a feature of the system.

If this is the case, then it is far from clear that the industrial relations structures established to manage these relationships will be able to cope with the tensions developing in the system. In particular, arrangements at an institutional level, where the bulk of these issues are determined, appear to be insufficiently robust, and it may be that they struggle to contain the issues that confront them.

However, it is also unclear to what extent trade union organisation is able to respond to the increased demands placed upon it. One possible option is that increased pressure in the system, with no obvious way to manage it, may result in an upsurge in institutional-based disputes across the sector, as union members seek to push back the frontier of control. Another possibility is that union members will retreat in the face of market intensification and increased managerialism.

References:

Bassey, M. (1981) Pedagogic research: on the relative merits of search for generalisation and study of single events, *Oxford Review of Education*, 7(1) 73-94.

BBC (2013) *UK university applications down for second year running*, available online at http://www.bbc.co.uk/news/education-20898941 (retrieved 1st February 2013)

Barnett, R. (2010) *Being a University* London, Routledge.

Bok, D. (2004) *Universities in the marketplace: the commercialisation of higher education* Princeton NJ, Princeton University Press.

Browne, J. (2010) *Securing a sustainable future for higher education. An independent review of higher education and student finance* (The Browne Report) online at http://hereview.independent.gov.uk/hereview/report (retrieved 11th March 2011).

Carter, B. (2008) When unions merge: the making of the UCU *Capital and Class* 32 (3) 87-112

Carter, B., Stevenson, H. and Passy, R. (2010) *Industrial Relations in Education: Transforming the School Workforce*, London, Routledge.

Carter, B. and Stevenson, H. (2012) Teachers, workforce remodelling and the challenge to labour process analysis, *Work, Employment and Society* 26 (3) 481-496.

Goodrich, C. (1920) *The frontier of control: a study in British workshop politics*, reprinted (1975) London: Pluto Press.

Marginson, S. (2011) Higher education and public good *Higher Education Quarterly* 65 (4) 411-433.

Reid, A. (2003) Understanding teachers' work: is there still a place for labour process analysis? *British Journal of Sociology of Education* 24 (5) 559-573.

Rivzi, F. and Lingard, B. (2009) *Globalizing Education Policy,* Routledge.

Rothstein, B. and Steinmo, S. (eds) (2002) *Restructuring the welfare state*, Basingstoke, PalgraveMacmillan.

Slaughter, S. and Leslie, L. (1997) *Academic capitalism: politics, policies and the entrepreneurial university*, Baltimore, MA John Hopkins University Press.

Stevenson, H. (2005) From 'school correspondent' to workplace bargainer? The changing role of the school union representative, in *British Journal of Sociology of Education,* 26 (2) 219-233.

Stevenson, H. (2012) New unionism? teacher unions and school governance in England and Wales, *Local Government Studies* -DOI:10.1080/03003930.2012.726142

UCEA (2008) *A review of the implementation of the Framework Agreement for the modernisation of pay structures in higher education*, London: UCEA.

Outputs to date:

Mercer, J. and Stevenson, H. (2012) The frontier of control revisited: managerial authority and academic labour, paper presented at the 5th Annual CERD Research Conference '*Doing an Undoing Academic Labour'*, University of Lincoln, 7th June.

Stevenson, H and Mercer J. (2012) Industrial Relations in transition – an analysis of employer-union relations in the UK higher education sector, paper presented at the AERA Annual Meeting, Vancouver, BC, 13th -17th April.

Stevenson, H. and Mercer, J. (2011) Challenging times: an analysis of current developments and future prospects for industrial relations in the UK HE sector, paper presented at the SRHE Annual Conference, Celtic Manor Resort, 7-9th December.