



Congress Notes

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Welcome to Congress!

UCU Left wishes all delegates an enjoyable Congress. We hope you have the chance to debate issues which are important for you and to meet up with old friends and make new ones. An in-person Congress gives opportunities for discussion and networking which do not exist so easily in online meetings.

This booklet contains background papers on two major themes: union democracy and industrial strategy. We believe these issues are linked. A democratic union is a more effective union. Democracy is necessary to ensure we represent all our members in an inclusive way. It is necessary to work out our industrial strategies so that we can win. We understand union democracy as the sovereignty of Congress and Sector Conferences. We believe the role of the NEC, FEC and HEC is to implement the decisions of Congress.

Trade unions have been taking substantial amounts of strike action in response to the cost-of-living crisis, and the long-term erosion of pay, attacks on pensions and escalating workloads. UCU members come to this Congress from branches which have been taking strike action and operating a marking and assessment boycott. We have much to fight over and much to win. We have learned lessons from industrial action in recent years, gained experience in operating sanctions and running picket lines.

The discussions at our two sector conferences are important for debating our industrial strategy and finding a unified way forward. We are taking this action in a context where many unions are continuing with action. We must reject the argument of the employers that talking to unions, in itself, represents some form of concession. Serious negotiations with trade unions should simply be a matter of normal industrial relations practice.

We need pay rises which make up for losses from inflation. We want these as consolidated awards, not one-off payments. Workers also need meaningful action to provide job security, instead of casualization, and jobs fit for people, not intolerable workloads. In short, workers in colleges and universities really need a union which fights for their rights.

We must defend democratic and trade union rights. This includes opposing the Strikes (Minimum Service Levels) Bill and restrictions on the right to protest. We can build UCU as a union which advances the interests of education, of its members and contributes to the wider labour movement.

Please come to the UCU Left meeting at 7pm on Saturday 27th May at Marriott Courtyard and if you agree with our ideas join UCU Left.



Democracy in UCU

Acronyms used:

NEC – National Executive Committee

HEC – Higher Education Committee

FEC – Further Education Committee

CBC – Congress Business Committee

GS – General Secretary

Introduction – Structure of UCU

It will be helpful to begin with a discussion of the structures of UCU and the rules and interplay between Congress, the NEC, branches and regions and the General Secretary. Congress and Further and Higher Education Sector Conferences are the supreme policy making bodies of our union. They meet at least once a year to form policy which will be enacted by the NEC, the HEC or the FEC as appropriate. The strength of Congress derives from the fact that its agenda is set by branches, regions and committees of the NEC who can all submit motions which are debated by delegates. Those delegates represent the members who elect them. The role of Congress Business Committee in this process is to help order the agenda, make recommendations about the suitability of motions and advise the chair of Congress. However, it should be noted that any decisions on the ordering of motions can be overturned by Congress itself and, in that way, Congress effectively owns the agenda.

Once motions are passed by Congress It is the expectation that they will be implemented by the executive. The executive includes the NEC (HEC or FEC as appropriate) and the general secretary.

From this point in the text NEC will be taken to mean NEC, HEC or FEC depending on the context of the motion. Typically, the HEC implements motions passed at Higher Education Sector Conference and the FEC has an equivalent role in Further Education.

It should be further noted that the decisions taken by the NEC on the implementation of motions and indeed motions of their own which NEC members can themselves from time to time bring should be enacted by the general secretary once passed.

In this way lay members form policy through a series of interconnected delegate-based decision-making bodies at local, regional and national level. If any of the above fails to operate correctly this creates serious difficulty for the union in terms of legitimacy and its ability to operate effectively.

Congress 2018

The recent crisis of democracy can be traced back to events leading up to Congress 2018. Members in a number of branches were unhappy enough with the then GS's handling of a trade dispute that they felt it necessary to put motions to Congress. One of these motions sought to censure the general secretary for her actions while another sought to express no confidence. It was felt by some at the time that the no-confidence motion impinged upon the employment rights of the general secretary. CBC had allowed a motion onto the order paper and Congress had voted several times to uphold that decision. The crisis culminated in a staff walkout which resulted in the loss of most of the business that year. Ultimately the branch withdrew the motion of no confidence but the censure motion was debated and passed.

Since then, the union has had several internal discussions about what is appropriate to bring to Congress in terms of criticism of the GS. It should be noted at this point that it is a longstanding position that staff of the union cannot be criticised at Congress because they have no right to address Congress. However, the GS is in an unusual situation in that she is a member of staff but also elected and does have the right to address Congress. So, it is felt that it is fair and reasonable for Congress to take a view on her actions. This position has been upheld by Congress motion L8 from 2018 and is the subject of Congress Standing Order 36 (see below).

Democracy issues since then

In the intervening period, there have been numerous occasions where members have felt that the NEC failed to carry out Congress or sector conference policies and more recently there have been occasions where the general secretary has not followed an instruction of the NEC. In fact, the general secretary has on occasion circumvented the authority of the NEC and gone straight to members through surveys and votes. This is fundamentally undemocratic because, in a survey, not all of the arguments can be put and the general secretary can use her position to put her side of an argument while countervailing voices do not have an equivalent forum. Quite apart from that, such approaches simply do not form part of our rules and it has already been indicated above that our union works best when it follows its structures properly.

Current situation

This year a number of branches have submitted motions of censure and no confidence in the current GS for many of the reasons outlined in the

previous paragraph. For the reasons already stated CBC has felt that these motions should form part of the agenda. However, it is up to Congress to approve CBC's report and the final agenda will be owned by Congress delegates. UCU left believes that CBC's decision is correct and that these motions should be heard. Quite apart from the fact that it is entirely within rule to do so it is also reasonable that delegates to the annual Congress of any organisation should be able, if they so desire, to criticise their current leadership. Sometimes that leadership is a collective organisation like the NEC and sometimes it will be an individual. Indeed, it would be entirely unreasonable for delegates not to have such a facility.

In conclusion the democratic structures of UCU are clear. It is also clear that if those structures fail to operate as written the consequences would be disastrous. UCU left wants our union to operate properly at all times, but especially now when we face enemies on all sides. It is therefore imperative that we leave this Congress having made it clear that we expect the rules of our union to be followed and the structures of our union to operate correctly.

Stephen Trent

The text of motion L8 2018 can be found here: bit.ly/L8-2018		Congress Standing Orders can be found here: bit.ly/UCU-CSO	
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How should unions debate and run meetings?

Several motions on UCU's Congress agenda refer to organizing, communications and establishing ways of discussion. The 2023 Congress is UCU's first in-person Congress since the start of the Covid Pandemic. It is good we can meet in-person ago.

The world has changed in some ways since the pandemic. Many people have learned to use Zoom and other online conferencing platforms. We no longer assume that attending a meeting necessarily involves travel from homes or workplaces.

What are the pros and cons of going to meetings online or in-person? Online meetings offer convenience, save time and money on travel, make participation easier for people with mobility impairments and allow us to hear speakers from around the world. They also include people who have health conditions where travel and mixing with a lot of people pose a danger.

In-person meetings can generate a sense of solidarity and connection and allow us to pick up signals about how others feel about things, in a way we cannot always do when all sitting at a screen. This is an important issue for the person chairing the meeting. Part of the art of chairing is making the judgement about when the meeting participants feel they have had enough time for debate before voting.

In-person meetings also offer the chance to discuss afterwards. This can be important if there have been misunderstandings or people are upset by the outcome of a meeting. We can sometimes talk things over and reach a shared understanding.

Union activists are also increasingly going to need to develop skills in organizing and chairing hybrid meetings. We need to ensure all participants, both those in the room and joining online have an equal voice in the debate and decisions.

Some disabled people will find the option of attending online enabling. This is so also for members who are vulnerable to infection and need to reduce social contact. Some disabled members, however, may find the isolation that accompanies online meetings is hard to cope with.

For workers, particularly those in casualised employment, who may live at a distance from their workplace or workplaces (plural) the option of participating in workplace union meetings can really help participation.

What do we get out of meetings? Why is discussion at union meetings

a central part of union democracy? We can all read materials and cast a vote in an electronic or paper ballot. The point is what happens before we vote. Meetings give us the opportunity of hearing what others think and listening to range of views. Sometimes it is good to listen to views we do not agree with. We might be persuaded, or we might come away with a better understanding of why we hold to our original view. It's important that we keep time for discussion as part of our decision-making processes. We need debate and discussion before voting. That's why electronic opinion polls and votes should be organized in conjunction with branch meetings, but not as standalone exercises.

With electronic polls and consultation exercises we also need a democratic process to decide which questions are asked. Questions need to lead to a decision and course of action, but they should not be leading questions. Nor should options be ruled out by the way consultation exercises are designed. The authority to design questions must not be abused. We do not want union government by plebiscite.

It's also important to position ourselves as part of a collective when taking decisions in a trade union. On our own we can all feel isolated and with little power to change things.

Another aspect of how we use technology should be discussed and that is how we behave at meetings. It is all too easy to multi-task, to half-listen to a debate while surfing the internet, answering a student email or doing some other aspect of the day job. But should we? We may feel work pressures give us no option. What does this mean, however, for our fatigue and stress levels? Is it fair on us? Is it fair on the speaker? Sometimes we multi-task because we have too much work to do.

If we are multi-tasking it is also because we do not have the trade union facility time we need to do our union work to the standard we would wish. We need to keep up the struggle for proper facility time. Respect for union work and for union facility time should mean that our employers do not expect us to be doing other work while we are at union meetings.

There are many issues to discuss about how we sustain union democracy and union organization in the context of some of our activities moving online. We need to have the discussion, valuing principles of democracy and inclusion.

Liz Lawrence

UCU PRESIDENT 2014-2016

Commission on the operation of rule 13

Congress 2022 instructed the NEC to set up a Commission to look into the operation of Rule 13 which deals with complaints between UCU members. There were a number of concerns with the operation of the current process. The full text of the motion is below:

Congress notes that the operation of the Rule 13 process can take long periods of time, cause distress to the parties involved and make considerable demands on UCU resources.

It calls for a review into the operation of Rule 13 and associated NEC procedures, including:

1. rule 13 complaints in the last 5 years
2. time periods
3. areas of appropriate complaint
4. pastoral support for complainants, respondents and witnesses
5. operation of confidentiality
6. representational rights of advisers
7. impact of penalties on employment
8. interaction with other UCU procedures
9. compliance with legal rights of trade union members and representatives
10. compliance with principles of natural justice

Congress resolves to elect by delegates to Congress 2022 a Review Panel of 12 members (one from each Region (9) and one member from each of the three nations (3) to undertake this review. The Review Panel shall elect a Chair from among its members. The Review Panel shall report back to Congress 2023.

Members of the Commission were elected and have worked over the intervening period to attempt to rewrite the rule 13 procedure to take account of the issues raised. The new rule 13 that is proposed is in the associated Congress documentation which delegates will have seen.

While not the final word on this matter, it is clear that this proposal is a significant improvement on what has gone before. In particular, we believe that putting more control of the process in the hands of elected members makes the process more transparent, makes it less open to being accused of politicisation and will ultimately make for a fairer process. We are also

pleased that the new procedures take account of issues of confidentiality, the rights of both the accused under the accuser but also don't fall into the trap of creating a semi-judicial process which would not be appropriate.

Finally, it is good that the Commission has made clear what rule 13 procedures are not to be used for. Genuine political disagreements between members are best dealt with through debate votes and elections. Losing an argument to someone on a matter of policy or principle does not mean that there is cause for complaint.

We hope that the new process will be applied sparingly and that the sanctions set out will only be applied in very serious cases. In an organisation the size of UCU, it is reasonable to expect only a handful of cases to be brought under Rule 13. It is not to be used to resolve disagreements, nor is it to be used where a breach of law has taken place. The new procedure offers far greater clarity on that point than we have had in the past.

For the reasons set out above UCU Left supports the motions which establish this new procedure and encourages delegates to vote for them.

Alan Barker

CHAIR, CONGRESS BUSINESS COMMITTEE

Turn the historic FE vote into an England - wide campaign of resistance.

It has been four years since we have met in person, it is scandalous that our sector is in worse shape since then after all our hard work and sacrifice since Covid. Yet there is hope we can resist and restore our sector.

Members overwhelmingly support a fightback with the historic e-ballot 87% yes vote and 51% turnout. We have the potential for the biggest nationally coordinated strike campaign for a decade. We demand not only to defend our living standards and improve working conditions, but to forge a new binding national bargaining framework and advocate for the further education.

Hardest hit

We were the hardest hit during austerity. Our pay declined by 35% even before the cost-of-living crisis broke out and we have lost 25,000 jobs. We lost millions of adult education places. The soul is being wrung out of FE through years of cuts, redundancies, micro-management, dreadful employability skills policy, inspections, and the obsessive attendance chasing.

The marketisation of FE since incorporation, embraced by our employers, policed by Ofsted and the FE Commissioner, and cuts have driven the sector into the ground. This has created the biggest recruitment and retention crisis FE for 25 years. College leadership incapable of imagining an alternative. Pay cuts and mergers have brought a one size fits supermarket brand culture to our colleges. FE is poorer for it. Meanwhile, College leaders' salaries have risen 8% year on year. Is it any wonder they have been so ineffectual at advocating for the sector?

Covid exposed deep problems of poverty, low pay and insecure employment, lack of welfare and housing, and a mental health crisis we see in our students. Managements were willing to dismiss risks to our health to maintain control and "business as usual". This was especially true for black and Asian staff who were identified at greater risk.

College leaders applied 'dodgy algorithms' to manage student achievement, defending a status quo that sees only a small minority of working-class college students pass English and maths exams.

We know what the problems are in the sector...The question is what we do about it?

The FESC in Glasgow should be the sector conference most remembered as one when we in FE joined the wider movement en masse. Where we demanded the change our members, students and communities deserve. Where we asserted our role as guardians of education. When we in FE said: Enough is enough and acted accordingly. The locally coordinated campaigns over the last five years took us so far with some important victories and creating stronger branches. We now need to move on from this strategy to deliver the changes that the sector desperately needs.

This year UCU held its most successful national England e-ballot of members. When members were asked to back strike action for 'pay, workload and binding national agreements' 87% of members said YES on a 51% turnout.

The AoC agree our pay claim is not unreasonable. They wish they could pay at least what the NEU rejected. They will not make an offer lower than that because they know it will be an insult to members - their words. They are under pressure, asking us to jointly lobby government and have agreed to explore ideas for how we might implement a new binding national bargaining framework.

Following the historic e-ballot and the failure of the AoC to make any offer at all, the FEC agreed a plan, based on decisions made by the SFESC, for one of the biggest FE England pay campaigns for a decade with ballots starting in September targeting the government and employers. Up to 180 branches will be balloted. Our first task is to launch the biggest GTVO FE has ever seen in the new year academic year.

If we are successful launching an imaginative coordinated strike wave, including national lobbies and demonstrations we will be in a position to defend our pay and improving our conditions than simply fighting college by college. The scale of the crisis of the sector, of society, is greater than any one branch can address on its own.

Council of war

This FESC must be a "council of war" to map out how we are going to win ballots in September and fight an effective campaign. We need to look ahead too. The SFESC discussed how and when it would be desirable to launch aggregated ballots. The conference narrowly voted not to hold an aggregate ballot this May. But it was overwhelmingly agreed as the destination we want to get to eventually so that all branches can strike together in the future. We need to start discussing and planning now how and when we

can prepare an aggregated ballot if the employers and government do not concede to our demands.

We have many branches taking hard hitting strike action this summer. Bradford is striking for 14 days, Manchester 12 days, with many more striking and ballots - Lewisham College, Kirklees, Darlington, Havant, Sheffield, Barnet and Southgate, Norwich, to name a few.

We must back those branches to the hilt. Those fights will be important in shaping pay and conditions in those colleges and regions but also for how the employers take our preparedness to fight in future seriously. We should use the conference as a platform to organise practical solidarity. We know those employers can pay more. We should start raising the demand in every strike that our employers sign up to a nationally binding bargaining framework.

RICHARD McEWAN

MAB shows our power: Now let's win this dispute

The extent of the marking and assessment boycott (MAB) has taken both our employers and UCU by surprise. Yes, it is patchy. Yes, it is uneven within and between institutions and not all members of UCU can participate but members have rallied to the MAB. Participation is not confined to existing activists, instead many members who refrain from strike action are participating in the MAB, and recruitment into UCU continues to evidence the support for a union which takes action to defend members pay and conditions. This has thrown the employers into confusion and onto the back foot.

Universities across the UK face the imminent threat of students being unable to graduate with a full set of final marks. Indeed, some in Scotland and elsewhere (by the time you will be reading this) have already done this. It is no wonder that the employers are facing public criticism over their failure to be able to deliver the education students and government pay for.

While our strike action, our successful re-ballot results and now the MAB demonstrates our power to disrupt the universities we need to discuss and ensure our action leads to a win for members on the Four Fights pay campaign.

The MAB is part, but not all, of the action we need to win this dispute. The MAB's effectiveness comes from the disruption and uncertainty universities face during the period of summative assessment with exam boards determination of degree awards for graduating students or progression for continuing students. It must be extended to target accreditation bodies who can refuse to recognise degree awards where the MAB has taken place. Already in STEM subjects such as Chemistry and Physics professional bodies are stating they will not recognise degrees awarded without the attainment of all learning outcomes and the full spectrum of credits.

Similarly, among external examiners, many of whom are already resigning, we have the power to ensure universities cannot devalue degrees. Universities may be willing to trash academic standards, but it is for us to protect the value of the degrees students get. UCU needs to rapidly move to ensure both of these things are happening.

However, all of this phase of the dispute will come to an end by the end of June for most institutions. There will continue to be resits and further marking of summer dissertations, but these will require MAB action for fewer members and for a shorter period than currently. The experience of the successful use of the MAB in Liverpool University to prevent

redundancies came from the recognition that we need to be able to flexibly switch between MAB and strike action and back again.

The pressure on universities needs to be continued with UCU now building towards high profile strike action and protest at the degree awarding ceremonies. We further need to demonstrate to employers that this action will continue into the first semester hitting freshers' weeks and teaching in semester 1. Our mandate runs until September but the launching of a new ballot before the summer and ending in September is necessary to continue beyond this. There can be no retreat from industrial action now or into the first semester of the 2023-24 academic year. Members have come this far and we shall not end until there is a settlement which stops the rot.

No time to abdicate leadership

The role of leadership in our union, specifically that of General Secretary Jo Grady, is again being raised at Congress with repeated motions of no confidence. It is important to understand why this is the case and why leadership of our union must be based upon elected officials acting to implement, rather than frustrate, the decisions made by our democratic bodies.

The 2006, 2018 and now the 2023 industrial dispute in UCU have been formative in the development of the union. In 2006 we won a major strike following a marking and assessment boycott, involving no setting of exams from January, combined with strike action. This led to the Framework Agreement with large pay rises for many of our lowest paid members and a pay award in September 2009 which (fortuitously being pegged to the RPI inflation measure of that month) was the highest members had seen. The industrial action developed as UCU was formed through the merger between NATFHE and AUT and the two unions' leaderships recognised the need to demonstrate the potential for a merged union.

In 2018 the UCU's transformation derived from members determination to protect the USS pension scheme from closing the Defined Benefit scheme. Here again the union's leadership under Sally Hunt actively supported the campaign for the strikes until she realised members were unwilling to settle for a shoddy compromise. The #NoCapitulation protest outside of Carlow Street and the no confidence motions in Sally Hunt that followed derived from her refusal to back members. In both instances employers spent the next years clawing back these gains.

The 2023 dispute has differences which have brought the question of the

union's leadership to the fore more sharply. The most important difference is that the General Secretary never wanted the two disputes over pay nor USS pensions in pre-92. Instead, she and her supporters in the Commons and IBL factions argued that members don't have the strength to win, counterposing membership 'density' to that of industrial action. That industrial action builds density passed them by.

A second difference is that members at every twist and turn of the dispute have had to fight their own leadership as well as their employers in this dispute, not just when the General Secretary sought a poor settlement. They have had to fight, whether to ensure the mandate was not wasted by calling action far too late into the 6 month period permitted by the anti-union laws, whether Branch Delegate Meetings can take place and be a forum for genuine discussion between activists, and now over the need for the union to provide strike pay beyond that being identified for those branches facing 100% deductions for MAB.

In the 2023 dispute we have an utter abdication of leadership from our General Secretary and Congress needs to vote in favour of the motions of No Confidence. The General Secretary of UCU should be committed to implementing members' collective decisions, arrived at through the democratic decision-making bodies of the union.

Carlo Morelli

UCU SCOTLAND HONORARY SECRETARY ELECT

USS – No detriment!

While the JNCHES pay and conditions struggle and MAB are the focus of our attention in HE, it is easy to lose sight of a dispute we have almost won. We must guard against employer mischief undermining a hard-fought real win. The USS monitoring surplus of £7.2 billion in March 2023 vindicates the UCULeft ‘No Detriment’ position and our members’ actions, as well as the Save Pensions and Planet legal case. The absurdity of USS’s valuation methodology means, even with a massive surplus, the employers grudge returning two years of lost benefits (2022-24). Given the health of the Scheme, members should expect a full return of benefits plus the lost benefits and should be highly critical of any compromise proposed by employers.

Members should be wary of ‘Conditional Indexation’ (better described as Conditional Benefits). While a useful option in some situations, the current health of the Scheme and continued low pay do not warrant risk-sharing. Motions on Conditional Indexation must be voted down. As well as being a potential trap, they also distract seriously from the task at hand. At this crucial time negotiators must focus on ensuring the full return of lost benefits, and doing the technical work required for a moderately prudent evidence-based valuation methodology that prevents manufactured deficits in the future. UCU must use this opportunity to push for improvement of benefits and coverage, particularly for lowest paid members.

USS members have unwittingly borne risks as a result of UCU deciding (on a 5:4 internal committee vote) to not table a JNC motion to return lost pensions as of 1st April 2023 on the basis of the 2020 valuation. Employers were consequently not forced to justify their position. Members were subject to the risk of changes to markets or other unforeseen issues that may arise before 1st April 2024 and jeopardise benefits return. The arguments in favour of delay were reduced costs from waiting for a new valuation, and potential risks of delays to the new valuation.

The problems of UCU’s chosen approach are highlighted by the difficulties now cited, for allowing the like-for-like return of 2022-24 lost benefits. That said, we must not lose sight of the big picture which signals progress on USS thanks to members’ struggle, the member-led legal action plus the hard work of branch activists and our negotiators. Empty words are not enough. It is vital we keep focussed until we have really “won” this dispute.

JNCHES – Joint Negotiating Committee for Higher Education Staff

MAB – Marking and assessment boycott

SWG – Superannuation Working Group

USS – Universities Superannuation Scheme

The fightback at Brighton explodes into life

Students at Brighton University have responded to the announcement of mass redundancies with a flurry of organisation and activism in defence of their lecturers. Hundreds turned out yesterday for a lively march through town and a defiant rally outside the management offices.



The attack at Brighton is a desperate attempt by a failing management not only to make savings by sacking over 100 academic staff and a further 20 in professional services, but also to break the resistance of the local UCU branch to the introduction of teaching-only contracts, the downgrading of academic roles and an end to promotion to the Principal Lecturer grade.



A series of huge general meetings have vowed to fight to defend every job. Staff are preparing to run a vote of no confidence in the Vice Chancellor. An industrial action ballot opens next week.

Mark Abel

CHAIR, UNIVERSITY OF BRIGHTON UCU



How do we get the fighting union we need?

7pm Saturday 27 May

Marriott Courtyard

16 Stobcross Rd, Glasgow G3 8GS

CONGRESS 2023 FRINGE MEETING



