

From: VC communications

To: all staff

Subject: Industrial action – important update

Dear Colleagues,

You will be aware UCU recently balloted their members for industrial action. There are two separate disputes, one in relation to proposed changes to the USS pension scheme, and one in relation to national pay negotiations and associated issues.

The outcome at Durham was to vote in favour of strike action and action short of a strike (ASOS) in both ballots.

Dates and type of industrial action

We have been notified that strike action will be discontinuous and will take place on 1-3 December 2021 (inclusive). Further strike dates may be notified in due course.

ASOS is intended to be continuous and will start on 1 December 2021 and may continue until no later than 3 May 2022. UCU have informed us that ASOS will comprise 'working to contract and not volunteering to do more'.

The University's response

We fully understand that the outcome of the 2021 pay negotiations and the proposed changes to USS are important issues that concern many of our staff.

We are aware that the decision to vote in favour of industrial action at Durham has not been taken lightly. However, we are disappointed by this outcome given the impact this will have on our students, many of whom may have been impacted by the last round of industrial action and/or the pandemic. Our key objective is, as far as possible, to ensure our students are able to achieve their learning outcomes and maintain their access to learning.

Pay and pensions are subject to national negotiations, and as one of a large number of employers, we have limited influence over the outcome. Regarding pensions, it is a real concern that failure to implement an affordable solution will mean that more staff will be priced out of the scheme. No one wants to see a reduction in future pension benefits, but even with the proposed changes, we think the USS will continue to be a very good pension relative to other schemes. Indeed, as a university we are currently paying more into the USS pension scheme than ever before. It is also the case that a formal statutory consultation on the proposed changes to USS is currently underway (closing date 17 January 2022), and we would urge all USS members and UCU representatives to engage with this process and put forward any alternative suggestions so they can be formally considered.

If there is no agreement by 28 February 2022, the Pension Regulator has made clear that contributions will rise steeply to ensure the scheme is viable.

Turning to pay, the 2021 national pay settlement was at the limit of affordability for many institutions. This delivered base pay increases of between 3.6% and 1.5%. In addition to the pay settlement, the University has continued to reward academic and professional service colleagues with merit and discretionary awards for excellent and outstanding service throughout the pandemic.

Our wider benefits structure remains highly competitive and we regularly review and improve our employment benefits and practices to ensure we remain a responsible and attractive employer for our staff. Where there is a need to make improvements to our employment benefits and practices at Durham we will continue to do so, and our joint work with UCU on casualisation is an example of this.

The University's approach to strike action and pay deductions

We are required to set out, in advance, the University's position on pay deductions in relation to strike action and ASOS. Recognising that the nature and impact of industrial action may change over the course of a dispute, the University position is as follows:

- Where strike action is taken by an individual the University will deduct pay on the basis of 1/365th for each day of strike action. Pay will normally be deducted on the same month as strike action or the next available payroll date (depending on payroll deadlines). In the case of industrial action planned by UCU for 1-3 December, the University's usual early December payroll means that strike pay will be deducted from the January payroll for individuals involved.
- The University does not accept partial performance of duties by any member of staff. This means that if you take part in strike action and/or ASOS, including refusing to carry out any part of your normal contractual duties, you will be in breach of your contract of employment, and the University is entitled as a consequence to make a deduction to contractual pay of up to 100% for each day of no or partial performance.
- The University reserves the right to determine the exact timing and proportion of pay deduction for ASOS. While the University may not immediately deduct salary for ASOS, we retain the right to deduct up to 100% of salary where it is considered to constitute a breach of contract and taking into account levels of disruption and impact, particularly to our students and their learning outcomes. This will be kept under review and the level of deductions for ASOS may vary.

Reporting strike action and ASOS

We will contact you shortly about how to report whether you are participating in strike action or ASOS. This will require you to access a webform and we would ask that you do so as quickly as possible, ideally in advance of taking action and no later than 8 December 2021.

The webform will ask you whether you wish to maintain your employee pension contributions during any strike action. Regardless of whether you maintain your pension contributions, there will be no impact on your USS life cover.

Thank you for your attention on this important matter. You can stay up to date at durham.ac.uk/industrial-action and find out more about the key issues at our [Proposed USS Changes](#) and [Pay negotiation](#) webpages.

If you have any queries, please contact: strike.action@durham.ac.uk

Best wishes,

Antony Long
Acting Vice-Chancellor & Warden

Stephen Willis
Chief Financial Officer

Joanne Race
Director of HR&OD