



Scottish Affairs Committee

Oral evidence: Zero Hours Contracts, HC 654–V

Tuesday 1 April 2014

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Members present: Mr Ian Davidson (Chair); Mike Crockart; Jim McGovern; Graeme Morrice; Lindsay Roy

Questions 337 - 466

Witnesses: **Mary Senior**, Scotland Official, University and College Union, **Dr Rachel Shanks**, UCU Branch Secretary at the University of Aberdeen, and **Justine Seran**, UCU member at the University of Edinburgh, gave evidence.

Q337 Chair: Can I welcome you all to this meeting of the Scottish Affairs Select Committee? As you are probably aware, we are looking at the question of zero hours. This arose from our investigation into blacklisting, which previously, in turn, arose from an investigation into health and safety at work, but, today, we want to focus on the question of zero hours in the higher education sector. I wonder if I can just start off by asking you all to introduce yourselves, say what your role is and why you in particular are here. Mary, you are the boss.

Mary Senior: My name is Mary Senior. I am the Scotland Official for the University and College Union, so I am here today, I guess, to talk about the work that UCU has been doing and the information that we have discovered in relation to zero-hours contracts in higher education. I have brought two of our UCU members from Scotland and I will let them introduce themselves.

Dr Shanks: I am Dr Rachel Shanks from the university of Aberdeen. I am the branch secretary of the University and College Union for Aberdeen university. At the minute I hold five different contracts at the university of Aberdeen; two of them are zero-hours contracts.

Justine Seran: My name is Justine Seran. I am a current PhD candidate at the university of Edinburgh. I also have two zero-hours contracts at the moment, and that is what I am going to be talking about.

Q338 Chair: Could I start off by asking you, Mary, and then your colleagues might want to add, why you think the use of zero-hours contracts is so common in the higher education sector in Scotland?

Mary Senior: It is really disturbing to us to find such high levels of casualisation in the higher education sector. Last summer, when there was a lot of debate around zero hours, the University and College Union conducted a freedom of information request which was sent to all universities in Scotland—indeed all universities in the UK. We were really concerned with the results, which showed such a high level of zero-hours contracts in the sector. This is across the board; this is academics, academic-related, as well as support staff. Many of these workers are providing teaching and tutoring, but actually a whole raft of services and education. I guess our concerns are that these people don't have career development opportunities, they don't have job security, but they are providing such an essential piece of work for universities, and in many ways we get a sense that universities are being kept going by this whole raft of casual labour in the sector.

Q339 Chair: Why do you think it is so common, though, in higher education in Scotland?

Mary Senior: It is difficult to say. There is probably a range of reasons. I suppose casual labour is cheaper, it is easy to use and—

Dr Shanks: It is quicker to get people to start. For example, we are told that, if it is a fractional contract that is going to be issued, there has to be proper advertising and proper recruitment practices, whereas if it is a zero-hours contract which might be called temporary services then I can ask anybody to do that. There does not have to be any recruitment process. There is the worry that there is nepotism, we don't have equal opportunities, and then people also are not aware of the opportunities. They might be able to apply for a job. The key thing is the fact that it keeps people vulnerable, because not only are they probably paid less for the work they do but they also get paid less hours. For teaching, you might only get paid for the contact hour that you are in front of the students, but to be in front of the students you have put in many, many hours of preparation, especially if it is the first time you have taught it, so it ends up that you are way below the national minimum wage. You are talking maybe £1 or £2 an hour once you have put in all that preparation time.

Q340 Chair: But the universities, presumably, must be aware of that.

Mary Senior: As I said, it is a form of exploitation and we are deeply concerned about it, and that is why we were so keen to come and speak to you today—because it is exploitation. Universities in Scotland are clearly a really essential part of the economy for cultural and societal reasons, but there is this whole underbelly of exploitation going on.

Q341 Chair: Can I just follow this up because, when we have had discussions with other people or other unions about zero hours, there has normally been an assumption that people just turn up, they start working, and then they work and then they stop? But you are saying that you are really quite substantially different inasmuch as you have preparation time for

which you are not paid. Unfortunately, the *Hansard* recording does not pick up noddings or shakings—all the witnesses do this—so at some point you have to say something so that we get it on the record. Is that true?

Dr Shanks: Yes. What happens—it is Justine’s and my own experience, but also that of many other people at institutions across Scotland and the UK—is that you are particularly vulnerable as a PhD student, or maybe even a Masters student, because obviously you want to get on with your colleagues in the department; you may be thinking eventually that you will be asking for references or even a job in that department, and so you don’t like to complain that you are not getting paid for all the work that you are doing, because it looks good on your CV, you are getting experience, and you are becoming a valued member of the staff. So you don’t want to rock the boat. You keep doing the teaching, all the little bits of research work, all the admin, but what happens then is that you can only keep doing that if you have family, a partner, or other part-time work or a bursary subsidising you.

I was in the lucky position that once I graduated with my PhD—I only graduated two years ago—I was able to hang on in there with lots of little bits of work. On the way down today I was able to work out that I think I have had 11 zero-hours contracts over the last five years, many of them overlapping. I was able to do that because my husband has a permanent job, otherwise I wouldn’t have been able to. I can think of a friend at an institution in Scotland. His wife had said, “Yes, you can do a Masters and PhD, but once you are finished you have to get a proper job.” He would have loved to have carried on doing bits of part-time tutoring because that is all that was on offer, while he published papers and then got a permanent contract somewhere, but the problem was that it was her turn. She wanted to set up her own business and do something, so he had to go and get a 9 to 5 job to pay the bills. In a way, it is skewing the work force. It is a bit like unpaid internships, where it is only the people who can afford to keep on waiting for that permanent, more secure employment who can do all those little bits of work. That is my worry as well. Then, obviously, it can—very likely—compound any inherent discrimination, whether we are talking about the gender pay gap or discrimination against people with disabilities or people of colour. There are all those difficulties, and I am not sure about all institutions but in some institutions, for zero-hours contracts, they are not advertised so people are asked to do them.

Q342 Chair: I think we have picked up the point that you made about nepotism and presumably cronyism as well, but I just want to pursue this and make sure that we have got this absolutely correct. The use of zero-hours contracts, where people are only paid for the time that they are teaching and not normally paid for the preparation time, does mean that the universities are able to pay much less than the national minimum wage on average for the hours that the task takes.

Dr Shanks: Yes. I realise I am nodding; so, yes, for the record. For example, say I was teaching a course on a zero-hours contract and there were 20 hours of teaching that I was contracted to do; I would get paid for 20 hours. Obviously, I am not just going to turn up

not having read anything or prepared anything for that teaching, whether it is a lecture, a seminar or a tutorial. There is going to be a lot of preparation—and not just the preparation for the teaching. There is e-mailing colleagues; there are e-mails from students; you are checking your virtual learning environment to see what the students have posted. There are lots of interactions, and all you are getting paid for is the one hour or two hours that you are standing or sitting in front of the students.

Q343 Chair: That wouldn't necessarily be unfair if you were getting so much for the one hour that it was assumed it was taking into account all the preparation time and so on.

Dr Shanks: We are talking £10, £12, £15 for that hour.

Mary Senior: There are lots of different practices, Chair. Justine, from Edinburgh university, can perhaps describe the practice there, which is still not paying people for all the work they do—all the marking and all the preparation.

Justine Seran: It is a little bit different at Edinburgh from Aberdeen because we have a multiplier by two when we tutor, so we are paid one hour preparation for each hour. For us it is £13 per hour, so, if it is tutoring, you are paid £13 plus £13, but when you teach subjects such as literature, when you are being asked to teach one book a week, you have to read that book, you have to read the documents that have been given to the students, you have to read the lecture notes for that week, you have to do extra research yourself to be able to direct students somewhere if they decide to do an essay on it, and you are being paid for only one hour. Obviously, that takes much more than an hour a week. It is the same with marking; it is being paid way below what we do. It is the first year that they have paid for marking in my department at Edinburgh, and some departments still don't pay for marking. When you have two classes of 16 students, that is 32 essays. It is a pile like *that*, which you spend hours going through without being paid for.

Obviously, that impacts student learning; that impacts the ratings of the university. They have really bad ratings every year at the NSS because we don't have time. We are not being paid to give proper feedback. We would love to give proper feedback, but we need to be paid for it, or else the extra time that we can't spend on the feedback we will be spending on doing our other jobs—the ones that are paid—because rent and bills still need to be paid, and if academic part-time jobs—

Q344 Chair: I will let some of my colleagues come in in a second, but can I just clarify then how is it that they get you to mark essays without paying you for it?

Justine Seran: Some departments do it. In my department where I teach, we started being paid for marking last year—2013. You are not even paid for the hours you do and you spend; you are being paid a tariff. For instance, in my department you are being paid one hour for each 4,500 words of literature that you mark and one hour for each 3,000 words of language that you mark for translations and foreign languages. If you spend any more

time on essays—and we do spend much more time than that—then you don't have a choice. You have to enter the hours that correspond to the number of words that you have been handed. You can't enter the hours that you do. Even though now we are being paid—and, again, it is my department; not every single school at Edinburgh pays marking—it still falls short of the work we actually do.

Q345 Lindsay Roy: Clearly, there is an issue of exploitation here, but I want to take this a bit further. To what extent are you trained and paid for training in pedagogy and then assessment practices?

Justine Seran: In my case, I am a PhD affiliated with the English literature department, but they have decided not to give teaching to second years any more; so I have been teaching this year with the French department and I have not received any training. I have been given a class at the beginning of the year. I have kind of been through the practicals to teach with my department next year and I have been asked to take someone's class, which I have done, like a practical, but there has not been any training there at all; I have taken this class that I have prepared and taught but I am not being paid for it.

Q346 Lindsay Roy: There is a blind faith that you will be professional in terms of pedagogy by finding out yourself or talking to other people about how you deliver lectures and lessons.

Justine Seran: Pretty much, yes. We talk with other tutors.

Q347 Lindsay Roy: It is very critical, in terms of marking, to get the assessments right. Has there been any training in that?

Justine Seran: On the language course that I was teaching—it is a second year course—we had marking meetings after every assessment. Again, that wasn't paid. I was the only PhD on the course. The other markers and tutors were lecturers, so they were on a permanent contract with full-time pay. We met twice a semester for an hour to discuss our marking and make sure that we were equal across the board, and I was not paid anything for that time. For my other course, I just gave some marking samples to a course organiser and he told me whether I was on mark or not, but there is not much guidance.

Lindsay Roy: That is another example of exploitation.

Chair: I am afraid *Hansard* does not record hand movements either.

Justine Seran: Yes; I agree with you. It is also damaging to students because they are the ones who are damaged when we can't do our job properly, and we can't do it as meticulously and as seriously as we would like to if we were being paid and trained for it.

Q348 Lindsay Roy: I am not making any personal accusations here, but is there then an issue about the quality and standards delivered in terms of consistency?

Dr Shanks: You might say that.

Q349 Lindsay Roy: Potentially.

Dr Shanks: Potentially, yes. Again, you maybe go along to meetings because you want to feel part of the team and maybe be seen as part of the team, but again you would not be paid for meetings. At the university of Aberdeen, every year, there is a two-day course for people who are new in post as a lecturer, but, as far as I am aware, there is no training for people on zero-hours contracts who are teaching; it is just for people with new permanent contracts.

Mary Senior: It is very clear that a work force in a university sector should be professional, well supported, valued and get career development opportunities, and zero-hours contracts and a casual work force are really not conducive to that professional work force.

Q350 Jim McGovern: This is for the panel generally, whoever wants to answer it. I presume there is some sort of application that you have to put in and there is an interview. Even though it is a zero-hours contract, there is a contract of employment that explains to you, “Here is what you are expected to do. You are doing all these hours marking up papers in preparation and so on, unpaid.”

Dr Shanks: It all depends. In my experience, there is no application form; there is no application process; there is no interview; there is no advertisement. You are asked, “Could you do so many hours of such and such a course, or could you do a little bit of work on this research project? I am not sure how many hours it will be.” On the teaching they might be able to tell you how many hours, but that will be contact hours and maybe how many scripts you will mark at the end. In some departments you will get paid for each script that you mark and in some it will just be seen as being part of the teaching. The last point was?

Q351 Jim McGovern: Do you have a contract, with terms and conditions regarding annual leave, sick pay and pension schemes?

Dr Shanks: Not everyone—

Mary Senior: In a number of universities they don’t have a contract. We have members coming to us and they don’t realise they are on a zero-hours contract or a form of casual contract. Last summer we saw adverts for zero-hours lecturers in Scottish universities, so

some do openly advertise in that way, but, as Rachel says, others don't. It is very ad hoc. It is a very mixed bag.

Dr Shanks: At Aberdeen, you have what is called—

Q352 Jim McGovern: I am not sure that would stand up to scrutiny in law, would it—no contract?

Dr Shanks: At Aberdeen there is a contract. It is a contract for temporary services and so you don't get holiday; you get an extra supplement. Say you are being paid £14 an hour, then you might have a £2-an-hour holiday pay supplement because you are not getting holiday.

Justine Seran: I can confirm that there is no application form. It depends on departments. Departments that have small numbers of PhD candidates will welcome people coming forward and saying, "Could I teach for you next year?" They will be saying, "Okay, up to how many hours do you want?" You will give a number of hours, and they will say, "Oh, thank you for taking on that teaching. We really need people." Other departments that have a lot of PhD candidates is where they can play with scarcity, because everybody wants the necessary experience because we know we won't get academic lectureships and jobs later if we don't have that experience—and everybody wants the money; everybody needs it. When they have large PhD cohorts, then you have to ask again, prove that you can do it and show how far you have been in your thesis; but there is no transparency at all. We were talking about cronyism and nepotism earlier. There is no transparency on who gets the hours and how many they get between two and up to eight hours per week. There is absolutely no transparency.

Q353 Jim McGovern: In interview there, before you start, you are told, "Here is what is expected of you. Here is what you can expect."

Justine Seran: No. The contracts for us said, "HTBN tutor," and you will have duties as needed for the course you are being given. That is given orally, not on contract.

Dr Shanks: I have maybe not mentioned that yet. At Edinburgh it is called HTBN—"hours to be notified."

Q354 Lindsay Roy: Can I just clarify this? It is not called a zero-hours contract then; it is called a temporary contract.

Dr Shanks: It is called a contract for temporary services at Aberdeen, but maybe each institution calls things differently.

Mary Senior: Glasgow calls them zero-hours contracts, and, as I said, they have another level of worker, which is, I suppose, just atypical and is below a zero-hours contract, which is deeply concerning. These people are just paid on a very ad hoc basis for the hours or whatever that are worked.

Q355 Graeme Morrice: Good afternoon, ladies. We have had evidence from the Universities and Colleges Employers Association. In particular, they stated, in relation to zero-hours contracts, that they were only used when the hours to be worked are very low or infrequent, where there is initial uncertainty over the number of hours, or when employees choose to be on a zero-hours contract. That is what they have said. Would you like to make some comments on their position on this matter?

Mary Senior: That is really not our experience. As you can hear today and as you read in our evidence, our sense is that the sector is being kept going by this huge raft of people on casual contracts. We feel that there must be a better way and that there is certainty over the work that people are doing, so there would be a way of having them in a better form of employment relationship which has more security and more certainty, and gives career development for people. We are struggling to recognise the evidence that UCEA provided to the Committee, because that is certainly not the experience in Scotland and, indeed, across the UK.

Q356 Graeme Morrice: Based on what you have been saying so far, I would agree with you on that, but why do you think they are saying it, particularly when it is in evidence to a Select Committee?

Dr Shanks: In some situations they are correct. You might have somebody who is coming in to give three or four lectures a year or less. A zero-hours contract, or whatever it is called, makes sense because that is not their main job. They are coming in; they are an expert; that makes sense. But the problem is that, for people like Justine and me, when you are in that position of having a zero-hours contract, if you like, you are the lowest of the low. You don't want to cause a stir and say, "This isn't fair," because, of course, that could have implications not just for your employment but also for your studies. You don't want to damage relationships with people in your department. The more that employers can do it, of course, means not only is it cheaper but it also means it is easier for them, with the ebb and flow of work, to manage staff. They do that and it is invisible. Colleagues are not aware of it happening unless it is happening in their own department and somebody has mentioned it to them. So a lot of people would not be aware. We were all shocked by the figures in Scotland that there were so many contracts on a zero-hours basis.

Justine Seran: Just to answer your question as well, I do not know why they would say that, but the thing is that those zero-hours contracts are not necessarily used, as I say, for casual help. They are being used for PostDocs, who are contracted on zero-hours contracts to design and deliver Masters courses, which are very intense seminars. Masters students

pay a lot of money to be there, and the PostDocs who are doing it are contracted on a zero-hours basis. That is not one hour or two hours a week, and that is not an uncertain course. It is not used in casual help. There have also been examples of people who have been contracted on zero hours but given full-time hours for a year or two years, and then from one day to the next go down to three hours a week. The university can do that because of the zero-hours contract, otherwise that person would be protected.

Q357 Graeme Morrice: It is not just a short-term thing; it is a constant thing that seems to weave its way right throughout the sector. If you could bear with me, and I know there will be lots of other detailed questions from members in due course, is there a difference in this between the higher education sector and the further education sector, because I am obviously aware that you are from universities, but you also have the college sector with their fee?

Mary Senior: I do not think we would be the best people to respond to your questions because, in Scotland, UCU does not organise in the college sector. It is my understanding that there are zero-hours contracts there, but we probably wouldn't be the best people to give you the detail on that.

Q358 Chair: One of the points made here by the University and College Employers Association is that hours to be worked are very low or infrequent and there is initial uncertainty over the number of hours worked. You gave us the example of a visiting professor who might be doing two or three hours a year, but, presumably, that could be done on a fixed-term contract or a short-term contract rather than just simply zero hours, and then using that as a precedent to apply to everybody else.

Dr Shanks: Yes; I have that myself. I have a three-day-a-week contract as a lecturer, but I also have a permanent contract in a different part of the university. It is possibly the smallest permanent contract at the university. It works out at 0.023. It actually works out at four days a year, so it is possible to have a permanent contract for just four days, for a very small amount of time. For the university, it gives them far more flexibility if everybody is casualised. A lot of people are casualised.

Q359 Chair: I understand that. When we met USDAW, the shop workers union, and some other people, it has been suggested that what might be seen as an overuse of zero hours was a reflection of bad or sloppy management—or lazy management, indeed. Do you have a view on that?

Dr Shanks: In some ways it is a way of getting round proper recruitment practices. Human resources would say that if it is a fractional contract or a temporary contract—say, one day a week or two days a week—then it has to be advertised and there has to be a proper recruitment process, but if it is zero hours it can just be given to somebody, the idea

being that they don't know how many hours it is going to be or they can't make it as a fractional contract. It all happens much quicker then.

Mary Senior: It is also a way of giving people reduced employment rights and, I guess, getting away with paying them less and getting more out of these people. Yes, I suppose it is a way of getting a compliant work force, who, because they want the work, are not as willing to reject this.

Justine Seran: I think it is a more deliberate choice than lousy management, because there have been cases in our university of people on a zero-hours contract being asked to design and deliver a semester-long course and the course being cancelled one week into it because there had been seven student enrolments, which was below the eight-student limit; therefore, the course was cancelled and that person got paid for one week, although they had been preparing a semester-long course. There is something about them wanting flexibility but it is always to the detriment of workers—of teaching staff—who do the preparation, who do the work.

Q360 Jim McGovern: Rachel, when you gave me the decimal point that you just mentioned that works out at four days per year, can you calendar that? Do you know which four days of the year it is going to be?

Dr Shanks: Yes, because it is teaching a course; so we do work out when it is going to be.

Q361 Jim McGovern: Is it four consecutive days or—

Dr Shanks: No, no. It is different days throughout the year.

Q362 Jim McGovern: You do know in advance when those days are.

Dr Shanks: Yes, that is permanent. That is a permanent thing, so it was just to get across that it is not impossible to have a very small permanent contract. In terms of managing finances for the universities, it is easier to have this underclass of employee, which is very vulnerable and in that vulnerability they can't do anything to improve their situation.

Q363 Jim McGovern: That being a permanent contract, does that allow you access to a sick pay scheme, annual leave and pension scheme?

Dr Shanks: Oh yes.

Q364 Mike Crockart: I would like to look a little bit at the two studies for which we have figures—the FOI requests that you have done—and compare those figures with the figures that we have been given by the Universities and Colleges Employers Association, because there are quite stark differences between the two. You did this across the whole of the UK. The first question I would like to ask is, is it more prevalent in Scotland?

Mary Senior: It was slightly more prevalent in Scotland. When we did the FOI last year, we announced results in September. It was about two thirds of institutions in Scotland; more, actually, used zero-hours contracts; and it was only about half across the UK as a whole. The high number of zero-hours contracts in the university of Edinburgh affected the Scottish statistics, because it was certainly the case that there were a very large number of zero-hours contracts at the university of Edinburgh.

Q365 Mike Crockart: That was a question I was going to come on to later but let's do it now. We have 16 different institutions, but we seem to have two that stand out—one having 500 to 1,000 zero-hours contracts in use and one having over 1,000. Which are those that are skewing the figures? You say the university of Edinburgh. Is that the top one then?

Mary Senior: Yes, and Glasgow. I should also maybe put a health warning on our FOI because the Committee knows that there is no real agreed definition of a zero-hours contract. We asked the employers to give us data for the use of contracts where the employer has no obligation to offer work and guarantees no minimum hours of work. When we received some of the information back, we had question marks because we thought this employer said they have none or very few, and we thought, well, we know they do have some. Edinburgh, Glasgow and St Andrews particularly stood out as institutions where there were a lot of casual and zero-hours workers.

Q366 Mike Crockart: But you had some doubts about the lower end then because there were four institutions that said they had no zero-hours contracts. Which ones were they?

Mary Senior: They were Dundee, Heriot-Watt, Glasgow Caledonian and Queen Margaret. We know there are some at Queen Margaret and Glasgow Caledonian, so maybe it was the way we asked the question or the way they interpreted the question.

Q367 Mike Crockart: If I can come on to that then, the bald statistics are 5,000 that came out of your FOIs—4,659 teaching staff—making that 49% of the teaching staff are employed, whereas with the Employers Association it came out at 385 full-time equivalents. I just want to look at those full-time equivalents. Is that the difference—the fact that you have five contracts but two are zero hours? Is it the doubling up of the contracts to make up the full-time equivalent that is showing the difference between those two?

Mary Senior: It could well be that. I guess you had the interesting conversation between Jim McGovern and Rachel in relation to the fractionalisation of contracts, but it is still that

murky underworld that we are looking at and whether universities are totally aware of the number of zero-hours contracts that they all have.

Q368 Mike Crockart: Can I ask Rachel and Justine, because you said you have multiple zero-hours contracts? Do you get an impression that that is pretty standard across the industry and that that is what is causing the difference between these figures?

Dr Shanks: It depends. It could be that you were given all your teaching hours on one contract—a zero-hours contract. It just happened to be that I have maybe been doing research work and teaching work or maybe something has been in the first semester, so then they have issued a new contract in the second semester for a different course. It will depend, but, yes, it could be that people have multiple zero-hours contracts.

Q369 Mike Crockart: It has been broken down in the course of the year. You could have one contract, but it will actually be three contracts because it has been broken into three.

Dr Shanks: It could be that you have a different budget code so they would want a different contract if it was from a research budget or a teaching budget for one programme or from another programme; that would be a reason for having the different contracts. I have so many contracts that sometimes they get confused and mixed up.

Mary Senior: That is our real frustration. Rather than recognising that the work they are doing adds up to a full-time role in a university, instead we have staff going to different colleges or schools within a university to try and build up a portfolio so that they can make a living. All too often it is not doing that. They might have two contracts, but they are not adding up to a full-time job and they are just being exploited.

Q370 Mike Crockart: It is difficult to see how, even with all of the complications that you are outlining, we could get to that point where the difference is so major—385 and 4,500—because that would be one person having 14 individual zero-hours contracts over the course of a year.

Dr Shanks: It depends. Imagine I have a contract for five hours a week teaching; the semesters might only be 11 or 12 weeks, so five hours a week might just be 120 hours' teaching a year. A full-time member of staff does not have hours in their contracts as lecturers, but say there is a notional 35 or 40 hours a week. That would look like three weeks of a full-time member of staff. If you added all those zero hours together, you would have many, many people's hours to make up one full-time equivalent.

Q371 Chair: I do not think we want to get bogged down in a discussion about methodology. We have questions on this. I would think that probably what we will ask our staff to do is to

be in touch with you and with the university employers to try and clarify the methodology of it all so that we can get something back to us just sorting this out. We have spent a lot of time exploring this with you just now.

Mary Senior: Chair, I was just going to say that UCEA use the HESA—Higher Education Statistics Agency—data, and it is not clear to us that zero-hours contracts would figure in the definition and reach the level that they are recorded by HESA, so that may explain it, but I agree with you that—

Chair: We want to try and get this clarified. We would like to have an agreement between you and the employers about the basis of the statistics so that we can explore that going forward.

Q372 Lindsay Roy: I see in the stats that you have a number of research staff on zero-hours contracts—164. Can you give us an idea of what percentage of the number of research staff in Scotland are on zero-hours contracts, because we are told that research work in Scotland is above the UK average in terms of investment?

Mary Senior: I am sorry, but I don't think we are able to give you that level of detail. I guess the number is the number of higher education institutions that informed us about the people that they have. There is clearly a significant number, but, again, maybe that is something that we could come back on.

Q373 Lindsay Roy: Could you find out for us?

Mary Senior: Yes, we will try to.

Q374 Chair: Again, that is something we will maybe ask staff to clarify with the employers. Can I just come back, if I could, to this question of the numbers? You said that there were four that told you that they did not use them, but, in fact, as far as you are aware, Queen Margaret and Glasgow Caledonian do use them. Do you think they don't know that they employ zero-hours staff or they chose not to tell you the truth, or what could be the other explanation?

Mary Senior: I am really not sure and I wouldn't want to answer for them. All I am saying is that there is no real definition of a zero-hours contract. They responded to our FOI and I assume they responded in good faith.

Q375 Chair: There is clearly, again, a discrepancy there. Can I just then come back to Edinburgh? Edinburgh's figures are so wildly out from everyone else's. Why is that? Is it just simply a question again of how they have answered the questions, or do they use many, many

more zero-hours staff than not quite everybody else put together but many more than any other university?

Justine Seran: I wouldn't know a comparison, but it is not a marginal issue at Edinburgh at all. Of the university at large, about a quarter of the entire staff is on a zero-hours contract. Edinburgh university is the biggest employer in Edinburgh. In the College of Humanities and Social Sciences especially, which is the college I belong to and which is the largest, it is half of the staff nearly; 47% are on a zero-hours contract. It could be that, since the cap on student numbers has been lifted, most departments have doubled or trebled the number of students, but they have not changed the number of permanent full-time staff; they have not hired anyone. That is why you end up with cases like us, where PhD students do all the tutoring for all first and second years, whereas lecturers and full-time members of staff take care of third and fourth years and Masters. When you increase your number of students but not your number of full-time permanent staff, someone has to teach those hundreds of first and second years. Someone has to take those classes, and they decide to contract people to do it on zero-hours contracts.

Q376 Chair: It strikes me that the universities could almost be taking money under false pretences because they are suggesting to students that they will get proper, real lecturers, as it were, teaching the courses, and it turns out that it is just something cobbled together at the last minute from people who could get, in some cases, virtually no notice at all of an appointment, who are casual employees. There is no guarantee of continuity or, indeed, as we heard before, really of quality. The quality standards seem to be superficial at best, in the sense that there is no real assessment made about whether or not somebody has the pedagogical skills and so on and so forth. Is that unfair?

Dr Shanks: No, but it does depend on discipline. As well as it depending on institution it depends on discipline, but in some disciplines the teaching model is that the lectures are delivered by the full-time or the permanent academics, and then the tutorials—the small group work—is done by the PhD students. That is seen as a way of giving money to the PhD students and giving the permanent staff time to do their research. Obviously, if there is no security in the employment and there is no training, then quality—obviously, we would argue that the PhD students who are doing the work are very conscientious, and that is why they end up getting paid so little per hour because they are doing all that work that they are not paid for. But, yes, you are right: the students could feel that they thought they were being taught by permanent members of staff rather than—

Q377 Chair: The pecking order in terms of priorities for members of staff is teaching first and then research, and then below that would come having tutorials. You only teach tutorials if you do not have enough research to keep you busy.

Dr Shanks: No; whether research or teaching was the most important would depend on the institution and the department as well. Universities would say that they are equally important, and also you would have admin. If you like, you would have teaching, admin

and research—all three things—but, obviously, at more research-intensive universities, research would be seen as more important.

Justine Seran: Except at Edinburgh this hasn't been possible for a few years because, again, they have not increased the number of permanent staff. They have been creating a lot of new Masters degrees; they attract a lot of overseas students and bring a lot of money to the university as well. Of course, they have to be taught by lecturers, and they have so many admin duties as well piling up that, at least for the lecturers that I know from my department, research is being done during holidays, during free time, and admin and teaching make up 60 to 70-hour weeks.

Chair: That is quite reassuring from the point of view of students then, is it not?

Q378 Lindsay Roy: To what extent would you agree that tutorials are equally as valuable, if sometimes not more important, than the actual lecture? Certainly that happened in my case at university because I would say, “What on earth was he talking about there?” Hence, in terms of effective tutorials, there needs to be training.

Justine Seran: I would say this year it happened a lot that I would ask my students whether they had any questions about the lecture of the week, how it went, or if there was anything they did not understand, because they can't really ask questions at lectures. A lot of them would look around; they have not been. A lot of students will not go to lectures but they will come to tutorials because we take attendance. They shouldn't. It should be a time of discussion and checking that everybody has understood everything, and all the questions have been answered, but most of the time, for first and second years, it ends up being sometimes their only contact hour for this course if they don't turn up to the lectures. So they are very important. We really want to do well. PhDs and PostDocs are contracted to do that. It is something that is very important for us. It is what we want to do as a career, so it is the centre of what we focus on, along with our thesis. We really want to do it well, but if we are being paid one hour of preparation, one hour of teaching and you still have to pay rent and bills and eat, we need to cut down on our preparation or marking time and get other jobs on the side, unfortunately.

Q379 Lindsay Roy: We have heard a number of main disadvantages of zero-hours contracts for teaching staff. You have mentioned job security, workers' rights, minimum wage, career development, exploitation and being an underclass. Are there any other things you want to highlight to us in terms of drawbacks or disadvantages of zero-hours contracts?

Justine Seran: I can say from my case anyway, being enrolled as a postgraduate student and my partner not having a wage or income available to support both of us, that it has been really difficult for me to get the lease for a flat, because on my contract it does not say how many hours I work or how much I earn every month, and it is going to change every month.

Q380 Lindsay Roy: It is difficult to get a flat either on the basis of a mortgage or indeed a rental.

Justine Seran: It is difficult to get a flat—yes, to rent a place—because there is no certainty of earnings. Of course, it is also mentally distressing because you never know if you are going to be teaching next semester. I have just finished classes last week, and I have no idea whether I will be able to have an income in September. It will depend on student enrolment; it seems as if the whims of other people will determine whether I will be able to do a job, to be able to work, so also mentally it takes a toll.

Q381 Lindsay Roy: Are there any other major disadvantages that we have not focused on in detail?

Dr Shanks: It is just the fact of how vulnerable you are. People can't say anything. That is why we really need something to happen to the sector across all organisations and all employers, not just in higher education, because the people on those zero-hours contracts can't do anything because they are worried that then they really will get zero hours; they will get no hours at all. I suppose it is that. There needs to be something to change the landscape so that the universities can't rely on the most vulnerable employees.

Mary Senior: In terms of the value of education, I think the Committee is recognising those points. Education is there to support students, to provide knowledge exchange, research and so on, and you need a professional work force that is supported and developed to do that. Having the casualisation of whole waves of the higher education sector work force is really not conducive to that.

Q382 Lindsay Roy: To what extent are people aware of their rights as employees or not? Is it very variable?

Mary Senior: It is because, again, to some people who are on zero-hours contracts the employer will say, "You are an employee," but others are workers, and you have heard today that some people may have a bit of paper with a contract; other people may not. It is really difficult for us to drill down to see what their rights are and see how we can support them.

Justine Seran: In my experience, I don't think PhD candidates who teach are aware of any rights at all, and even in some cases consider themselves as employees, because we hear from some departments that this is a favour that we are being given by the university, like a privilege. Some others will tell us that it is an integral part of our training and we will never be able to get a job later without it. Like an internship for a degree in engineering, for instance, you have to have completed it to be able to apply for jobs. Others will be grateful because they need people to take the students, but rarely is our work treated by others as work, as a job with a contract attending, with rights attending to it. It is a shame,

because it is not a hobby for us. A large majority of PhD candidates today are self-funded. We do not receive money from anyone, not even parents or research councils, so we count on it also as an income in parallel to our studies. Most of the time it is not how it is being presented or treated by the university.

Q383 Lindsay Roy: So the motto is “Keep your nose clean and don’t agitate.”

Justine Seran: Pretty much, yes.

Q384 Lindsay Roy: Do you have any evidence of discrimination against people who are on zero-hours contracts in terms of being off sick, being pregnant or questioning their rights as workers?

Dr Shanks: Again, it is that difficulty that they can be invisible and not know what rights they have, and not realise that they should be alerting people that there is a problem. Somebody teaching the same amount of hours as a permanent member of staff might get paid £3,000 in a year instead of £35,000, so you can see why for the universities it is a very useful thing to do.

Q385 Lindsay Roy: It is a cheap deal.

Dr Shanks: Yes, exactly. Then you have these people who aren’t complaining about anything because they need those hours.

Q386 Lindsay Roy: Have you had approaches from colleagues who have said they have been discriminated against for various reasons?

Mary Senior: We get cases of people experiencing bullying and feeling that things are just really difficult for them in the workplace.

Q387 Lindsay Roy: Do you take these issues up with the management concerned?

Mary Senior: Where possible we will do.

Q388 Chair: Presumably it is very difficult in some circumstances. I was struck by the point you made, Rachel, that, if somebody is on zero hours, they could end up getting zero hours on the basis that it is just very easy not to take somebody on and find an excuse, and effectively they could be blacklisted quite easily without any forms having been filled in or

arrangements being made. Similarly, complaining about bullying could potentially be very difficult because that could put somebody on a blacklist.

Dr Shanks: We have been able to bring it, when it has come, if you like, as a collective issue from a number of people in one department to try and improve conditions in that one department, but that does not then spill over into the rest of the university and the rest of the sector. That is why, if something came top down that they had to improve employment practices, it would be much better.

Mary Senior: It is also worth pointing out that it is obviously very difficult to unionise people on these casual contracts and to find them because, often, they are very afraid of even joining the union.

Q389 Lindsay Roy: Have you any evidence of people who have turned down a contract being denied further work at a time later on?

Dr Shanks: I can think of somebody who was so appalled at the rate of pay. One part of the university where they were was giving them, say, £22 per hour and then another part of the university was only offering them £15 per hour, and they said, “No, because for that other work I got £22 per hour, I want £22.” They would not be given it and they were never offered further work, but, I guess, they would have turned that down because, again, it would have been at £15 an hour.

Lindsay Roy: Thank you; that is very helpful.

Q390 Jim McGovern: Mary just touched on the point of organising the work force or unionising the work force. We have Rachel, who is a branch secretary, Mary a full-time official and Justine a member. I do not know if you have a position within it. How active is the UCU in trying to challenge these practices? I know it must be very difficult, but—

Mary Senior: It really is very difficult. One of the reasons we undertook the freedom of information request was to try and expose what was happening and pressurise the employers. Indeed, we did get some movement at the university of Edinburgh, and last September they agreed that they wanted to work to move away from zero hours or their hours-to-be-notified contracts in the university. They have set up a project to take this forward. They gave us an assurance that everybody would be moved from an hours-to-be-notified contract to a guaranteed-hours contract. However, our concerns are that we would have expected people’s guaranteed hours to be a realistic number of hours—the ones they are working. Justine has told me today that she was only guaranteed 20 hours a year, not even a week. I have expressed these concerns to the employer at Edinburgh university, and there is still a real long way to go. I sense at a number of universities there is a real cultural issue and, while obviously the principal and the HR director are committed to moving away from zero hours, they are saying to us, “The people in the colleges”—Edinburgh is

divided into four colleges—“like to use hours to be notified.” They like the flexibility and, I suppose, the hire-and-fire approach that that brings.

Also, the university of Glasgow is another university that is high on our list for addressing this issue. Again, I suppose it is not an easy, overnight process. Meetings are ongoing and we still have a lot of work to do there, I know. In terms of changing the culture, in the management of the university, it is very difficult to get them to see that there is a problem. That is what concerns us.

Dr Shanks: I must say the university of Aberdeen has set up a working group with the trade unions and management to look at zero hours. I can’t remember if it is called a zero-hours working group or a casualisation working group. It has met once, but it was really just discussing what they were going to be looking at. That is a positive thing. Obviously, people expressed concern for me coming to the Select Committee in case it jeopardised my career at the university of Aberdeen, and I already have two permanent contracts. So there is that level of fear to speak up.

Mary Senior: I should say UCU has also been challenging other forms of casualisation, particularly fixed-term contracts, which, again, are a perennial issue in this sector. We have used the law to do this. We took a landmark case at the university of Aberdeen of somebody called Andrew Ball, who was just on a series of fixed-term contracts. We were successful in winning that. We also took a case against the university of Stirling about collective consultation where the university was going to dismiss more than 20 staff on a fixed-term contract in a 90-day period, and we believed that collective redundancy consultation should apply so that we as a trade union could talk to the employer, we could look at redeployment and other issues. I am not saying it saved the jobs, but for us it was really important to have that dialogue. The university of Stirling refused. We won that point at an employment tribunal; we lost it at an employment appeal tribunal, and we lost it at the Court of Session. The case now progresses to the Supreme Court. However, as I say, in the meantime the coalition Government have changed the law, and we believe they have changed the law because of the pressure from university employers. The UK Government last year took out fixed-term workers from collective consultation, which we felt was an absolutely retrograde step and something that we feel does not sit well with the European fixed-term workers directive about fair treatment for fixed-term workers, because we consider that they ought to be in that redundancy consultation if the limits are triggered.

Q391 Chair: Could I just follow up a couple of the points that were said there. You mentioned that the University of Edinburgh last September agreed to look at this. Is it reasonable for us to assume that by next September they will have resolved all this?

Mary Senior: I would really hope that they will have resolved this, but it is a massive piece of work, so I really don’t want to detract from the work that is there. As you see, we reckon there are thousands of people on zero-hours contracts at the university of Edinburgh, but I am concerned that perhaps things are not moving as quickly as we would have liked and we might be struggling to—

Q392 Chair: As a former student of the university of Edinburgh I cannot quite remember the exact structures of it, but you seem to be suggesting that there are four self-employed barons, as it were, that run the four separate schools. They are really not beholden to the rest of the university and they have to be persuaded as well. Is that the position, rather than the university principal and the head of HR making a decision, which then is implemented throughout the university?

Justine Seran: There is no consistency among colleges, and, within them, among schools at all. Just for the record, the contract that Mary was mentioning for which I got guaranteed hours is my other contract. It is with a support service as admin. This is where I was offered 20 hours a year. To my knowledge, the tutoring contracts have not changed; they are still zero hours, hours to be notified, and they are very internal to each school within each college.

Q393 Chair: That relates, really, to the point about the university of Aberdeen and setting up the working group. I am aware of the doctrine of unripe time—that this is a good idea in principle at some point but not at the moment. Do you get the impression that the universities are just setting up these structures to examine things but don't really intend to make any progress on them within the foreseeable future or the lives of anybody presently employed?

Dr Shanks: Can I just say that the university of Aberdeen is very good at setting up working groups and working with all the recognised trade unions, and then changing? Then we come up with policy. Sometimes the end result is that the University and College Union does not agree with the final policy, but it is useful that we are in those working groups. So I am hoping that that will produce tangible changes.

Q394 Chair: Taking Aberdeen as an example, you think this is genuine and not just simply a delaying tactic.

Dr Shanks: Oh no, not at all; no, no. It is a genuine wish to improve things, but obviously it is much easier if it was something that was across the board so that we are not relying on some employers doing something.

Q395 Chair: Indeed; we will come on to that in a moment. Sorry, Mary, you wanted to add something.

Mary Senior: I do believe they want to move away from zero-hours contracts in the university of Edinburgh. It is taking a time and they are struggling with the implications of doing that. Your analogy of the four barons is very interesting. I wouldn't like to comment on it, but Justine said that there is inconsistency within the colleges.

Q396 Chair: I remember when we were discussing again with USDAW about some supermarkets who were able to avoid having zero-hours contracts. Those who were making the effort to avoid zero-hours contracts were able to say that, yes, sometimes it was hard, but it was a question of management giving it a degree of priority and avoiding, as it were, laziness and sloppiness, and it was an indication of laziness and sloppiness if they were using things like zero-hours contracts and casualising because it meant that they were not having to plan and make the effort; they were not encouraging the work force and they were not seeing the work force as an asset in the way that a decent employer should.

Q397 Lindsay Roy: Would it be fair to say that there is a genuine desire but a lack of urgency?

Dr Shanks: I think the employers would have to answer that.

Q398 Lindsay Roy: When did your group last meet?

Dr Shanks: I don't sit on it, but maybe a month or two ago. I suppose, in some ways, for employees, it is dependent on what the management of each institution decides to do. It is much easier if there is a level playing field—that everyone is meant to give people contracts. Even if it is maybe based on the previous year or whatever, you are given some sort of security of what you are going to get. Also, there is just that key point that, being on a zero-hours contract, someone just asks you to do it; you can't apply for it.

Q399 Chair: We understand that, and we also recognise the strength of the point that you made about you having had informal warnings from some of your colleagues that this might not be a career-enhancing move coming to speak to us today about these matters. The existence of that climate of fear is not conducive to university teaching, I would have thought. I would doubt very much if any of the university principals or senior figures in the universities would condone that, but it would appear that they are not doing very much to address it. But there again I had better not ask you to reply to that just in case you dig yourself further into a hole.

Dr Shanks: It was not colleagues who said that; it was family who thought—

Q400 Chair: So your family are afraid for your life.

Dr Shanks: Yes; it affects them more directly than my colleagues. I suppose it is just that it comes down to finance. That is why I am on a three-day-a-week contract, a four-day-a-week contract, and I am just starting a one-day-a-week temporary contract for two years.

Also, for this academic year, I have been on a zero-hours research contract and I am going to be on another zero-hours research contract because of the finances; they did not want to give me a two-days-a-week temporary two-year contract for a research project. So I have been given one extra day, but for the other one I have been given five to 10 days on a zero-hours basis. It is to do with money.

Q401 Chair: This is no way for a grown-up to live, is it really?

Dr Shanks: No. Certainly what has been happening for all part-time workers in universities and lecturing staff, research staff, is that, if you are part-time—say you are three days a week—you spend your other two days working for the university, answering your e-mails, doing reading, whatever, preparing classes. It is very hard not to do the work.

Chair: No, I understand that.

Q402 Mike Crockart: To follow up on that point about the funding, how much of the flexibility and difficulties are caused by the different sources of funding and the fact that perhaps some of it is project-based and money coming from this research council or that? How much of it is led by the fact that there are so many different funding streams?

Dr Shanks: Yes; it is all to do with the funding, and for any employment it has to be shown where that funding is coming from. Quite often, there will be recruitment freezes in a department, or even in a college there will be a recruitment freeze. A lot of it is definitely about funding.

Mary Senior: I do think universities could plan better. There is funding there and they can see the work that needs to be done. There does not seem to be any real justifiable reason why they give somebody a zero-hours contract rather than a permanent contract or a fixed-term contract if they can objectively justify that fixed-term contract or a part-time contract. There are other options to them. It is just lazy and too easy for them to give a zero-hours contract.

Dr Shanks: Funding is the reason given, but that does not mean that there is not the money there; it is just maybe the money is in reserve or it is being spent on other things—but not on people's employment.

Justine Seran: You were mentioning it is the lazy choice to do, but on the other hand it is a lot more work for admin staff in the finance services, for instance, because we log every hour. In Edinburgh, we see thousands of zero-hours workers, hundreds of hours to be notified, tutors logging each hour manually, and it is the same with the marking hours. Everything we log one by one with the date on everything. Someone in the finance office has to review every single pay claim every month to either accept or decline, and that is, I suppose, hundreds of hours of work for them just reviewing everything we log.

Q403 Jim McGovern: Could I first of all say that the Committee has taken evidence on this subject from people informally who wish to remain anonymous? Given what has been said earlier, I would just like to say I admire Justine and Rachel for giving evidence to the Committee because it will be in the public domain—in fact it is being broadcast. If that leads to any sort of detrimental impact on your working life, I am sure your first point of contact will be Mary, but I am sure the Committee will be very interested to know if that is the case.

We have a number of stats from the Universities and Colleges Employers Association that suggest that vast numbers of people are quite happy with zero-hours contracts. I've got my doubts about that. If there are over 5,000 teaching and research staff on zero-hours contracts, could anybody give us a ballpark figure on how many people are happy with that, of that 5,000?

Mary Senior: I would say zero.

Q404 Jim McGovern: Zero people.

Mary Senior: The members who talk to us and every person that I have spoken to on a zero-hours contract have not chosen to be on it. They are on that contract because it is the only option. They need work, and that is the only way they are going to get work.

Dr Shanks: Also, some people don't realise that that is what it is because at every institution it does not say "zero-hours contract." I read in the *Times Higher* last week or the week before that somebody had been working at an institution for years and hadn't realised that, just like that, their hours of work could be cut. As I said, in Aberdeen it is called a contract for temporary services, so it is—

Q405 Jim McGovern: Are there any circumstances where this sort of situation—a zero-hours contract as we call it—is the preferred option for both parties?

Dr Shanks: I do not think so because it is about planning. If you are doing some work for somebody, it is much better to know in advance what work you are going to be doing. "Oh, they want me to do two hours of lecture next year or every year, whatever. That's fine; I know about that." I don't see why anyone wouldn't want it to be on a more formal basis—that you know in advance so you can plan all your different work—even if it is this visiting lecturer, which is the only scenario I can see where it makes sense. It is a tiny amount of time, but I still think it is about planning and saving money.

Q406 Graeme Morrice: We also received written evidence from EIS—the Educational Institute of Scotland. They seem to be suggesting in their evidence to us that most Scottish

higher education institutions seek to give zero-hours workers similar employment rights to permanent employees. Is this something that you recognise?

Dr Shanks: You get holiday pay on top of your hourly rate instead of holiday, so, if you like, holiday is covered but it is pay rather than actual time. I do also have access and I have joined the pension scheme for the zero hours that I get, but I would have no access to a training budget. I wouldn't be able to go on a conference or go on a course externally. As a zero-hours worker you would have your staff ID; you would have your e-mail, so you would be able to go to internal courses if there was no charge. Sometimes internal courses are charged, but most courses are not charged. You would be able to go to your own university courses but nothing external, and it might be that you would not be invited to things that are organised for permanent staff.

Q407 Graeme Morrice: But they are not necessarily employment conditions. I can see the difference and the disadvantage, of course, but in terms of your employment contracts are there any gaps there compared with permanent employees?

Dr Shanks: If you are zero hours and you are pregnant, obviously while you are on maternity leave you don't get anything because obviously you are not doing the work.

Q408 Jim McGovern: What about sick pay? If you are scheduled to work two days next week and you were ill, and you contacted the university to say, "I am ill," do you get paid?

Mary Senior: It is really patchy. Some do; some don't.

Justine Seran: Not for us. If you don't log your hours as having worked them, you are not being paid for them. If you are ill and you can't do your classes, then they get another tutor on the same course to take your hours, and they will log your hours as theirs and they will get the pay. You do not get the pay because it is treated as casual help, even though most of the time you do the entire academic year. Some people have been teaching the same course, PostDocs, for six years, and yet they don't have access to sick pay; they don't have access to all that.

Q409 Graeme Morrice: Obviously, we are looking at it from the point of view of employees who are involved in academia. What about non-academic staff in universities and colleges? Is it the same situation there?

Justine Seran: My second contract is non-academic. I am on the careers support staff. We do not have the issue—at least that I know—of the unpaid work. It is divided up to the half hour so we are being paid for everything, but, of course, if you are needed, for example, and they call you up and say, "Actually, we don't need you on that day of the week. We need you tomorrow," and you can't do it, then maybe you will have no shift that week and you will not be paid. The thing is that, even as non-academic staff, it makes you rely

heavily on management, whether they think that that service should be cut down and you should be sent home without further warning, or your line management—the person who gives you the hours. If they are not sympathetic, if you do not get on well with them, they can just not give you any hours or give you hours that you can't do. We were talking about discrimination earlier. It is impossible to know because they do not have to give any reason for it. They can just say, "We don't have any hours for you." I am lucky in my service that I get on very well with everybody, but I would imagine in a service where you do not have that good a relationship with the person who contracts you, who gives you hours, it could be that that same lack of security could be very—

Q410 Graeme Morrice: Can you just go over what non-academic work you would be doing?

Justine Seran: I have another job at the careers service at the university of Edinburgh. It is an admin assistant job, so I work the database and put on job adverts. It is really an hours-to-be-notified job where I turn up, I work and I am being paid for hours of presence.

Q411 Graeme Morrice: It is administration work. You may not be able to answer this but you might, so I will ask it just in case. In terms of other non-academic staff—cleaners, people involved in catering, janitors and porters and whatever—what is the situation there that you may be aware of, even anecdotally?

Mary Senior: The evidence that we submitted to you is based on our freedom of information request. We did just ask the questions for the staff who would be represented by UCU, which is admin—

Q412 Graeme Morrice: I understand that, yes, but obviously we have a concern for all employees who are working in universities and colleges, lest we forget.

Mary Senior: Indeed, as do we. What I would say to you is that I don't think it is an issue that is not there, but, certainly, in the negotiations that I have been involved with in the university of Edinburgh and the university of Glasgow, it is certainly UCU that is leading this. It is our members that are coming to us with the big concerns about casualisation and zero hours. I would not want to dismiss it by any means, but UCU is leading on this issue.

Dr Shanks: Also, the fact is that, if it is academic work that is being done on a zero-hours basis, there is a lot of unpaid work that gets done, whereas with other support roles, academic-related roles as well in universities—as Justine said, in the careers service she was paid for the hours of work she does because she turns up, does the hours and she gets paid for all of them—there maybe is not as much of a saving, if you like, for universities with the zero hours as there is with the academic work.

Q413 Chair: Yes, there are two different aspects. One is the saving by just simply having the casualisation, switching on and off like a tap. The other one is the abuse by having you prepare for paid time while you are unpaid and thereby reducing the average hourly rate to less than that of the minimum wage. We have grasped that point, but Graeme was raising a perfectly reasonable point just to check that, if the universities are bad employers for their academic staff, then it is not unreasonable to assume that they are just bad employers altogether, and the same things might very well apply elsewhere. That is something that we will obviously have to look at. It was not something that we came into this meeting necessarily thinking should be looked at, but now that you have raised these sorts of questions with us about how these people behave it is obviously something we will want to look at.

Dr Shanks: I just want to say, if you like, in terms of feedback on an assignment, we would not want to say that they were bad employers—just that they could do better.

Q414 Chair: What a very generous woman you are, if I may so. From what we have heard, they certainly seem, under almost any definition of bad employers, to fit that bill.

Justine Seran: I would not say the university is a bad employer, but there are so many subdivisions to it that some are being treated even more unfairly than others. As I said, in my department, I am being paid for marking. It started in September 2013. In other departments—I think social and political science—they don't get paid for marking at all. It is not like there is someone at the top of the university who decides, "This is how we are going to treat all our zero-hours staff." But there all these sub-sub-branches, and all that is being decided without any consistency and at levels that are not transparent.

Q415 Chair: That just sounds like a managerial shambles and evidence of weak leadership. Clearly, if the universities took this seriously, they would make sure that there were standard practices that were applied throughout the realm, as it were, irrespective of how powerful some of the barons in particular departments or sections or units or schools were. It just seems to me to be an indication that this is not particularly high up their agenda, otherwise they would have moved to address it. Does that seem unreasonable to you?

Mary Senior: I do think it is really embarrassing for the sector, and I do think it is embarrassing that this hasn't been addressed sooner.

Q416 Jim McGovern: On the subject of benefits and how zero-hours contracts impact on state benefits, one of my nieces is working in Dundee with a private sector care company on a zero-hours contract, and, quite frankly, she does not know from one week to the next whether she should be claiming jobseeker's allowance or whether she is going to get enough hours. The jobcentre quizzes her every time she goes in, "How many hours have you worked this

week?” As regards teaching staff, how do zero-hours contracts impact on state benefits if you need to apply for them?

Justine Seran: I do not claim personally because as a full-time student as well I cannot get housing benefit and I do not know what I would be eligible for, but I gave some documents to the council for my partner who asked for a reduction in the council tax. We had to give, also, my earnings and there was this big sign saying, “Every change of earnings you will have to tell us.” So it means that every month I will have to go back to Edinburgh council and give my new payslip for the month because it is going to be different every month. If I was claiming for myself, I am sure it would be the same. Every single month will be different and then I will have to come with my payslips.

Q417 Jim McGovern: I would imagine, Mary, you must have some members coming to you saying this is a problem for them or a concern for them.

Mary Senior: It has not been an issue that, I suppose, has been raised directly with us, albeit again there are members who will come us to because for certain periods of time they are not being paid because there is no work.

Dr Shanks: Also, you can end up being optimistic, thinking, “Hopefully, I will get some work.” I suppose maybe the worry is that then, if you sign on, somehow that is saying to the employer you are not working here any more and you think it has come to an end, whereas what you are hoping is that it keeps continuing.

Q418 Jim McGovern: If somebody was, putting it bluntly, strapped for cash, they would rather not sign on in case the employer frowned upon it.

Dr Shanks: I just wonder how it would work if you sign on and then you are waiting several weeks anyway to get the benefits, and maybe you discover that you would only be getting the national insurance contributions anyway. Sometimes people are cushioned by having a partner, so they just hang on.

Chair: I appreciate that this is difficult and we have evidence elsewhere that people do find great difficulty in chopping and changing the information that they have to provide to the state in its different facets, and that many of your people, like staff elsewhere, find themselves having to be cushioned by friends or family in the absence of an adjustable, as it were, benefits system.

Q419 Jim McGovern: It must be wrong if you are paying national insurance when you do work, and then when you can’t find work or are not offered work you do not have any benefits, because you are worried about what your employer might think about it.

Dr Shanks: But it is that uncertainty, because you do not know if you are going to get work. You are almost in a Catch-22 because you are hanging on waiting to find out and then maybe you have several things on the go. Although you do not have maybe the research hours or the teaching hours, you have something else, because, of course, one is not enough.

Q420 Jim McGovern: The comparison I made with my niece is that she is told, “We might have work for you next Tuesday, Wednesday and Thursday. Stay in the house and sit by the phone,” and then they phone up and say, “Sorry, we don’t have anything.” From one week to the next she doesn’t know what to do about benefits and so on. Maybe that doesn’t apply quite so much in your profession.

Dr Shanks: In my experience, it will be more maybe semester by semester, so term by term you would maybe know and then at the last minute you might get asked to do extra.

Q421 Jim McGovern: But usually not less, or nothing at all.

Dr Shanks: It can be. It can be that you have taught a course one semester and then taught it again because it is being repeated the second semester, and then you think, “That course is running again. I will be doing it next academic year,” and you are told, “No, we don’t need you.”

Jim McGovern: That is probably a similar example then.

Q422 Lindsay Roy: Do you have any evidence of Jobcentre Plus contacting the university to check on the number of hours that have been worked?

Mary Senior: We don’t have any evidence of that, no.

Q423 Lindsay Roy: The Government consultation on zero-hours contracts identifies two areas of particular concern: exclusivity, i.e. you don’t work for anybody else, and transparency. Are they two of the right ones, and are there more?

Mary Senior: Our concern is that the UK Government consultation is too narrowly focused. Exclusivity is not an issue in the sector, as you have heard, but I suppose we need more guidance on not using zero-hours contracts. Our concern is that people are being exploited and it is about tackling that exploitation. I am not clear that the focus on exclusivity and transparency is going to do that. We should be looking at how employers either objectively justify the use of a zero-hours contract or look at how they move somebody on to a much better, more normalised form of employment. I really don’t think the UK Government consultation is looking at those issues.

Q424 Lindsay Roy: You do not object to them looking at these, but there are other as important or more important issues to address.

Mary Senior: Yes; I think these are just very small issues. As I have said, the exclusivity issue does not apply to the university sector. I suppose I am not really clear what they mean by transparency. As you have heard today, there is an issue about exploitation and the use of zero-hours contracts when other contracts would be much more preferable, and would not keep people being downtrodden and exploited. The consultation does not seem to be looking at how we limit, reduce or change zero-hours contracts.

Q425 Lindsay Roy: One of the suggestions has been model clauses for zero-hours contracts. Would that be helpful?

Mary Senior: What do you mean by a model clause? Do you mean standardising a zero-hours contract?

Lindsay Roy: Yes.

Dr Shanks: It is more the whole issue of having any zero-hours contracts. I can understand it in exceptional circumstances, possibly not in the university sector but in other sectors—say there is an emergency or something and suddenly you need extra people. We have not maybe termed it like this, but it means that you have a two-tier work force. You have the work force with their permanent contracts and all the benefits and protection, and then you have the people who don't know how much work they are going to get and are working many more hours than they are being paid for. I don't think having the best zero-hours contract you can possibly have helps that. What would be much better is that, a bit like with fixed-term contracts where after four years you are protected, there is a route out of a zero-hours contract; once you have done so many hours, then you gain a fractional pro rata contract, for example.

Mary Senior: The employer should need to objectively justify why they need to use the zero-hours contract above other forms of employment contract. That is what the law suggests around fixed-term contracts too. We say to employers, "You need to objectively justify the reason that you are using this fixed-term contract rather than a permanent contract." That would be a much better way to move forward in relation to this.

Q426 Lindsay Roy: People feel undervalued and second-class citizens.

Mary Senior: Sorry, could you repeat that?

Lindsay Roy: People who are on these contracts feel undervalued and second-class citizens compared with the full-time staff with permanent contracts.

Mary Senior: Absolutely.

Q427 Chair: The Chartered Institute of Personnel and Development identified a number of potential abuses of zero-hours contracts. I just wanted to clarify how many of those applied in your sector. With regard to the question of whether or not people got penalised if they were not available for work, is that something you recognise from your sector?

Mary Senior: You have heard today that people have said that, if they turn down work, they maybe are not going to get asked again, so if you call that being penalised, potentially—

Q428 Chair: Yes, that does exist in the sector. There is the question then of how much notice they receive or finding out at the start of their shift that their work has been cancelled; this is more for hourly workers. You tended to indicate to us that that was more likely to apply at the beginning of a term rather than the beginning of a day, as it were. Is that a fair way of representing your position?

Mary Senior: Yes, or in terms of blocks of courses and so on.

Q429 Chair: It tends to be blocks. There is an issue, particularly in relation to Justine, about whether or not you are maybe asked to come in to do a tutorial on Thursday, and then next Thursday they said, “No, we don’t need you next Thursday.”

Justine Seran: No. Usually, you are given a class or two classes, and they are your groups and you have them in your care for a term, which is 10 or 11 weeks. Then in most cases we want to have the whole year, so we hope that we will have the second term as well. Sometimes they just don’t give it to you for reasons that are not transparent either, but it tends to be per term or per academic year, so 11 plus 11 weeks.

Q430 Chair: The third abuse is workers on zero hours believing that their pay is lower than comparable permanent staff doing similar jobs. You covered that because of the question of preparation.

Dr Shanks: Yes; it is the question of preparation, because certainly the university of Aberdeen will show you for each grade and each spinal point what would be the annual salary and then what is the hourly rate; and, obviously, they have worked that out. Although your hourly rate will be the correct hourly rate whether you are doing work of grades 5, 6, 7 or whatever, the fact is that you get paid only one hour when you have maybe worked five or 10 hours.

Q431 Chair: That is the preparation time argument. I understand that one.

Mary Senior: I should also add, though, that we are seeing a lot of what we call grade drift in the sector in that the employers are using, I suppose, particularly tutoring staff on a lower grade than would be the teaching grade that was agreed when we went through the review of university salaries and pay frameworks back in 2006-7. We have seen a drift, so they are using the grade below to pay tutors.

Q432 Chair: That is what I wanted to clarify next. This relates to the question of increments because, as I understand it, lecturing staff would move up in increments each year. Does that happen for people who are on these short-term or zero-hours contracts, or is it just assumed that you are on the bottom grade?

Dr Shanks: It depends. Sometimes I did move up, but the problem was that if it was not continuous then you lost that. It was quite hard to definitely be working in July and August so that you had continuity of employment, so that when the increments go up in August you would go up.

Q433 Chair: I see. You would always be going back to the bottom again. You would always be paid at the bottom level.

Dr Shanks: You would maybe stay at the same rate.

Q434 Chair: If you are doing a course for three years, say, you would not then be pro rata the third grade.

Dr Shanks: I don't remember the pay going up.

Mary Senior: Again, it is patchy. I thought in Edinburgh you did, but you are saying no. It is mixed in Glasgow too.

Justine Seran: HTBN tutors are all on UE06. That is the grade you are on if you are an HTBN tutor, whether you are teaching it for the first year or whether you have finished your PhD already and you have taught it for years. It is just that the job HTBN—hours-to-be-notified—tutor on the courses first and second years puts you on grade 6.

Chair: That is helpful.

Q435 Mike Crockart: I had some questions. Many of them have been dealt with in talking about the changes that are happening in some universities to deal with potential alternatives to zero-hours contracts, because that was the area I wanted to look at. You have talked about guaranteed minimum hours and fixed-term contracts. What else is there? What would you

like to see universities moving towards? Obviously, the ultimate is permanent contracts or part-time contracts or whatever.

Mary Senior: You have heard today that we feel the work can be predicted. We have heard that it goes over termly periods and it is sometimes over a year. I feel it would be possible to give people part-time fractional contracts and we would like them to be permanent. The test for a fixed-term contract is if it can be objectively justified. There may be cases where employers would objectively justify why somebody would be on a part-time fixed-term contract, and certainly that is far more preferable to a zero-hours contract. It would also be possible to look at using annualised hours, particularly if the work is in certain peak periods of time, to rationalise that across the year so that somebody is getting a pay packet each month, which obviously makes it easier for them. We think that would be a much fairer way of working.

Q436 Mike Crockart: Do you have any views on that having been at the coal face, so to speak?

Dr Shanks: I suppose there are two issues. One is the security issue—that you know you have work—but it is also knowing that you’ve got enough work to pay the bills. It is that security of whether it is a fixed-term or permanent contract, but also how much you are going to get paid. Obviously, annualised hours would be good, because then you would get those increments as you would be employed continuously; also, you would be able to plan, and you would be able to show a prospective landlord how much you get paid.

Justine Seran: Hopefully, they will take into account all the work that right now is not when we log in hours. When I do it, you can only choose between tutoring and marking from this year on. You can’t choose everything you do outside this: answering e-mail queries, looking at students’ work before they submit it, discussing their essays with them, meeting up and discussing feedback, and all the marking meetings. All that is not taken into account today in part-time, fixed-term or open-ended contracts. That could be part of the fraction so that all that extra work would be finally accounted for and paid for.

Q437 Mike Crockart: You mentioned Edinburgh and Aberdeen, and you have expressed that the intention is right but perhaps there are difficulties in getting it into practice. Are there better examples either in the rest of Scotland or across the UK where they are moving more quickly away from zero-hours contracts and putting in place other types of contracts?

Mary Senior: I was in Dundee recently. As I said, they have very few zero-hours contracts and they have used maybe a fixed-term contract for short pieces of work, as Rachel described that one of her contracts is, but otherwise I suppose we are struggling really to give you some examples.

Q438 Mike Crockart: Have you done any work with the four who came back saying that they did not have any zero-hours contracts to see what they are doing differently that allows them to answer that they don't have any zero-hours contracts, even if you have suspicions that perhaps there are some in there, but they are certainly of a measure quite a way away from the 1,000-plus zero-hours contracts? So they must be doing something different there.

Mary Senior: It is a different practice there. Certainly, at Dundee a number of years ago, we developed a really good policy around the use of fixed-term and hourly-paid staff. So, yes, that is an example of, I suppose, the partnership working.

Q439 Chair: For good practice then, you would say Dundee is it, would you?

Mary Senior: I suppose I am loth to point out one shining star. It was refreshing to see the way that Dundee was handling small fractional contracts. Because the data that we have on all of this is so variable, as you have pointed out yourself, it is difficult to say this is wonderful.

Q440 Chair: No, I don't think we are necessarily asking you to say who is wonderful, but maybe you could reflect on this and come back to us and let us know who you think is least bad then. Is that a better way of putting it?

Mary Senior: Indeed.

Chair: Who would you least like to be seen beside, sort of thing, in these circumstances?

Mike Crockart: You would least like to be seen beside—

Chair: Aye, exactly.

Q441 Jim McGovern: There are various opinions about zero-hours contracts—whether they should be banned completely or whether there is a place for them. I managed to get in at PMQs quite recently and asked the Prime Minister how many people in this place are employed on zero-hours contracts, and he did not have an answer. He said he would get back to me. That was a couple of months ago and he still hasn't, so I think that is ominous. Do you think they should be banned completely or is there a place for them? Is there a benefit for some people on zero-hours contracts?

Mary Senior: We don't like zero-hours contracts, for all the reasons that we have stated. I was interested to see the evidence that you took from Unison. When you asked that question of Dave Watson, their Scottish organiser, his concern in banning them was that they would find another way to circumvent them and to do this. I am mindful of that. We certainly have been calling for them to be banned, and what we have said to this consultation is that they need to objectively justify why you would use a zero-hours

contract, because, with everything that we have heard today and that I have experienced, I really think there are alternatives to using zero-hours contracts, and that would be far preferable.

Dr Shanks: I do not really think there is any benefit to the employee or to the worker—to the person doing the work—to be on a zero-hours contract. All it means is that even more power is given to the employer. Already the employer is over-powerful, and then you are just making it so that they have complete control over how much work you get.

Justine Seran: When it is about teaching roles, it is not even benefiting the students either because we cannot put the time in to do what is best for them, although we would want to; they do not maybe get the return on money if they are fee-paying or simply the quality that they should expect from higher education, which we really want to give to them.

Q442 Jim McGovern: The Committee has also been conducting an inquiry into the bedroom tax and I think it will be fair to say that the Committee ultimately will recommend that it should be abolished, but we have also taken evidence and we will probably make various recommendations, if it is not abolished, how we could mitigate the implications of it. If zero-hours contracts are not abolished, how could we make it better?

Mary Senior: I guess it is the answer I have just given. Employers should need to objectively justify why they use a zero-hours contract. In nearly every case that we have spoken about today they would not be able to do that. They would not be able to find that objective justification as to why they are using a zero-hours contract rather than a part-time, fractional or fixed-term contract.

Q443 Jim McGovern: You mentioned Dave Watson, Mary. Dave said they should do away with exclusivity, which means that if you have a zero-hours contract with this employer you are not allowed to work for any other employer, and transparency. That would be fair comment, wouldn't it?

Mary Senior: Yes, I would agree. As you have heard, exclusivity is not an issue for staffing in universities.

Jim McGovern: Teaching staff.

Mary Senior: It seems a really bizarre scenario to have an exclusivity clause for a zero-hours contract. If you value the confidence and the confidentiality of that individual, would you not put them on a better form of contract?

Q444 Jim McGovern: If somebody was on a zero-hours contract with Glasgow uni, it would not prevent them working with Cale uni.

Mary Senior: Indeed, and we get that.

Dr Shanks: If zero hours aren't going to be banned, I suppose what we would want is for them to be greatly, greatly reduced so that, okay, there might be the exceptional case but it is exceptional. As you can see from the figures, it is not exceptional in higher education in Scotland. If zero hours were banned, I wonder whether people then would be made to be self-employed to do the work, which would then have the same effect.

Jim McGovern: They would find a new method.

Q445 Chair: We have covered bogus self-employment and the like in other industries, particularly construction. Could we start to draw things together? I just want to clarify the role of the Scottish Government in all of this. The Scottish Government fund the university, certainly in terms of their teaching roles. I understand that John Swinney played a constructive role to some extent in approaching Edinburgh university to ask them nicely to do something about it, but the Scottish Government do pay the piper, don't they, in those circumstances? Have you had discussions with the Scottish Government about whether or not they were willing to say that, look, their money should not be used to encourage zero-hours contracts?

Mary Senior: Yes, Chair. You rightly point out that last June, at an STUC biannual meeting with the First Minister, workforce issues were on the agenda, and zero-hours contracts in particular. The First Minister and Mr Swinney were really surprised when I gave them the information about the extent of casualisation at the university of Edinburgh. Mr Swinney wrote to the principal of the university of Edinburgh, and, indeed, they have said they do not think there should be zero-hours contracts in the sector.

The Cabinet Secretary for Education and Lifelong Learning chairs the University Sector Advisory Forum, which has trade unions, the Funding Council, employers and the National Union of Students, who all sit round the table. In February, the joint trade unions brought a paper about workforce issues. Tackling zero-hours contracts was one of the key issues in the paper, where we were asking the sector how we could look at this together. It is fair to say that we, as trade unions, were very disappointed that the university principals were reluctant to engage on that issue, even with prompting, as I say, from the Cabinet Secretary. He was keen that we would work together. Indeed, my understanding is that he is still keen that we would work together to try and get a better situation, and reduce the number of zero-hours contracts in the sector.

Q446 Chair: It just sounds to me from that, apart from the one letter to the university of Edinburgh and some expressions of sympathy, that the Scottish Government have not really done all that much. Unless I am mistaken, they have not banged many heads together to get this moved forward, have they?

Mary Senior: I would say that the interventions that they have made have been very significant and very helpful. Universities are quick to remind the Scottish Government and ourselves that they are autonomous institutions. You are right—they do get a significant level of public funding. They also draw down funding from other sources. The reaction of the principals was disappointing because I felt this was an issue that we could work together to address.

Q447 Chair: That is obviously an issue that we would maybe want to pick up. At the end of our sessions we always ask people whether or not there are any questions that we have not asked for which you had replies prepared. Are there any prepared replies that you want to give us that you haven't had the chance to work in so far?

Mary Senior: Chair, you have been very thorough, so unless my colleagues—

Dr Shanks: I had one wee phrase that I wanted to get in. Obviously, in terms of zero-hours workers, you may not immediately think of universities, so we may not be the proletariat but we are the precariat. We are in a precarious situation; we are vulnerable; and that was my little quote that I wanted to get in.

Q448 Chair: Yes, you have obviously prepared that one. I could see you were desperate to make sure you got that one in.

Dr Shanks: At least it was not the name of a song or something.

Q449 Chair: No. I wonder if I could just touch on a couple of other points while you are here because we have just recently produced a report about the impact on higher education, research and tuition fees of separation. As you are possibly aware, we reckon that the research councils will effectively be redrawn to exclude Scotland from them in future. Indeed, we have a quote from the relevant Minister here in Westminster. Have you had any discussions at all about what might be done in those circumstances, because at the moment Scotland gets more than 50% above our population share of research council grants, and, if those research council grants from the UK stopped, then obviously there will be a black hole estimated, we think, of about £150 million or so. Have you had any discussions with the Scottish Government about how that might be filled?

Mary Senior: Chair, thank you for raising this issue. Within our trade union UCU, we have had considerable debate about the whole question of independence. Indeed, it was debated last week at the UCU Scotland Annual Congress. The union has a neutral position on independence, but that does not mean to say that we are not participating. Indeed, there has been tremendous debate, and, as a union representing academics, our members have a tremendous amount to contribute to the discussions that are ongoing in Scotland. We have had a meeting with Mr Russell; we have also had a meeting with Kezia Dugdale, representing the Better Together position.

Sustainable funding, both for teaching and indeed researches, is a key priority for our members, because, as you say, Scotland does well in terms of research funding. We do have a high proportion of institutions and researchers, so the funding perhaps is not as skewed as you represented in that point. But, certainly from our perspective, it is absolutely vital that the Scottish Government are talking to the UK research councils because we certainly would support a common research area in the event of a yes vote as it is really important that Scotland gets sustainable research funding.

Q450 Chair: Whenever anybody says, “Thank you very much for asking me that question,” you assume that that is not quite what they mean. Yes, I understand that you might very well want to see a common research area continuing, but the UK Government have said that that is not going to happen. David Willetts was perfectly clear that the UK research council structure will be redrawn in those circumstances. Unless you have assurances from the Scottish Government that in the event of separation the amount that Scotland gets would continue, then clearly there is going to be a considerable adverse consequence. We have explored this with colleagues in England, Wales and Northern Ireland, and their enthusiasm to provide an enhanced payment to Scotland in the event of separation is less than total. Notwithstanding the point that Scotland may have a disproportionately large share of research institutions, we get a disproportionately large share of UK research council grants. That is unlikely to continue in the event of separation. We have been told that there would be some degree of co-operation cross-border in the same way that there is with Ireland or with France or with Germany, but it is certainly not going to be at the existing level.

In those circumstances have your issues been addressed by the Scottish Government, and are there any issues that we did not pick up in our report that maybe we should have?

Mary Senior: Chair, I am not here to answer for the Scottish Government. I am here to set out UCU’s perspective, and, from our point of view, it is very important that we do get sustainability and continuity of research funding. Clearly, there would be a negotiation, and I hear your comments in relation to David Willetts’ statement.

Q451 Jim McGovern: The Chair also said that, if Scotland was to separate, things would evolve and the co-operation that exists now would diverge. Therefore, as the Chair quite rightly said, David Willetts made clear—I do not think it was the Chair who was saying it; it was David Willetts who was saying it—that the UK or RUK would not subsidise a foreign country in terms of research. They would still co-operate and they would still work together, but they would not subsidise it for a foreign country, which Scotland would be in the event of separation.

Mary Senior: As a trade union, we would not be directly involved in any such negotiation. This is obviously something for the research councils.

Q452 Jim McGovern: But it does have implications for your members obviously.

Mary Senior: It clearly does have implications for our members. I was giving evidence last week to the Scottish Parliament's Education and Culture Committee. The panel that was on after me did look at research, and there was a representative from the UK research councils. He was answering similar questions, and he seemed to suggest that a common research area would be possible now. I don't know how certain he is in relation to that, but, clearly, there are questions that need answering because, as you rightly point out, this could have serious implications for research funding in Scotland.

Q453 Chair: Clearly, there would be a common research area across the UK in the way that there is a common research area across the EU and across the world as a whole. There would not be totally artificial barriers, but it would not be financially supported in the way that it is through the research councils. I understand that you are not responsible for the views of the Scottish Government, but we want to clarify whether or not you had any assurances about whether or not this £150 million shortfall was going to be addressed in the event of separation or whether or not that was just something that would be discussed later on.

Mary Senior: As I say, we have had meetings with the Cabinet Secretary. We have also met with Better Together on this issue. It is an important issue for us and we will continue to press the politicians.

Chair: That is a "don't know" then.

Q454 Jim McGovern: You are staying neutral.

Mary Senior: Yes, very neutral.

Q455 Chair: There is always a difference between "don't know" and "won't say," isn't there, really? You fall into overlapping categories there. The question of tuition fees is obviously an issue that is causing concern about what the impact of this will be. The Scottish Government believe that they will be able to provide an objective justification for, basically, anti-English discrimination. Do you believe that the evidence supports their feeling?

Mary Senior: First of all, I would like to put on record that the University and College Union oppose the introduction of the Rest-of-UK fee. We felt this was certainly the wrong way to go. Again, I spoke to the Education Committee last week. There was no discussion, dialogue or consultation on alternative options to the RUK fee in Scotland when fees were increased in England. We should have looked at a better way of dealing with that issue back then. In terms of moving forward, clearly this is a really difficult issue to see. We are very supportive of having a cross-border flow of students from Scotland to England, Wales and Northern Ireland, and vice versa. That is really important to the diversity and the lifeblood of our institutions. That is the position that we want to be supporting. As a trade union we do not think education should be based on the right to pay; it should be

based on the right of those people who can access education. This is all deeply troubling to us, Chair.

Q456 Chair: Deeply troubling indeed, but we want to just clarify whether or not you have a view on the issue of the objective justification. The Scottish Government have said that they can produce objective justification for their position. Do you share their view that they have objective justification, or are you a bit doubtful?

Mary Senior: I am not sure it is for us to share their view. We would like to see a clearer case as to how they feel the objective justification can work. We are very supportive of the overall principles of the European Union and the principles of free movement of people, both staff and students, to come and live, study and work in Scotland and the whole of the UK. We are struggling to see how it is going to be possible to differentiate, but I do think the Scottish Government need to make more clear how they feel that this situation can work.

Q457 Chair: You are a UK-wide union, and obviously you would want to have academic co-operation and so on. It has been suggested to us that institutions and Governments in the rest of the UK are less likely to co-operate with Scottish academics and institutions in circumstances where English, Welsh and Northern Ireland students are being directly discriminated against by the application of a fee mechanism. Does that seem a reasonable point of view to you?

Mary Senior: It is really important to recognise that the sector in Scotland is an international sector. We operate not as Scottish UK, but higher education is a global sector and we really support the free movement of people to study and work in Scotland and across the UK.

Q458 Jim McGovern: The point the Chair is making is that the evidence we heard from the Under-Secretary of State for Scotland was that what Alex Salmond seems to be proposing is that a separate Scotland, by EU law, would still have to provide a university education to the other member states of the EU, but they could discriminate against England, Wales and Northern Ireland and say, “You have to pay.” As Ian says, you are a national union. Do you think that sounds fair?

Mary Senior: I have said already that we do not think the RUK fee is fair. We campaigned vigorously against it. We were disappointed that there was hardly any scrutiny.

Q459 Jim McGovern: It would be unfair if it continued—

Mary Senior: Indeed.

Jim McGovern: —in a separate Scotland.

Q460 Chair: Could I ask a final point on that, and that is the question of immigration policy? When we have met various people representing the universities, they have been unhappy about some of the restrictions that are applied both for academic staff and for students. It has been suggested that a separate Scotland would have a separate immigration policy, which would be much looser and laxer, and so on and so forth. The difficulty we have with that is that, if you have two immigration policies in what are the boundaries of Great Britain just now, then obviously there is a potential for traffic moving back and forward, and, therefore, if the rest of the UK do not want to have a back door, as it were, they might then want to have a border. Have you considered whether or not an accommodation can be found between Scotland's desire to have a bit more flexibility in immigration and the UK's desire not to have an open back door in a way that is acceptable for academics, both students and staff?

Mary Senior: Chair, the issue of immigration and the draconian immigration regime that we have in the UK affects Scottish institutions as it does English institutions. Indeed, UCU as a whole struggles with the immigration system that we have in the UK.

Dr Shanks: We have examples across Scotland of people who find it very hard to fit in with the more recent immigration rules and for universities in Scotland to get the best people from across the world. People can end up being stranded in their home country, if you like, waiting to come to do world-leading research in Scotland, because they have to comply with so many different rules to get into the country. I know of one case where somebody finally had all the documentation, went to the embassy in their home country and they were told, "No, the rules have changed. Now you need a chest x-ray." That has delayed them again. It is damaging—damaging Scotland and damaging the universities—that it is so hard for staff and also for students to come.

Q461 Chair: We understand that, and if you have seen our report we are asking whether or not there are ways that can be found of accommodating some of that. However, that, to be fair, is not exactly the point I am making to you, though. The point I am seeking to clarify is whether or not you believe there is a way in which Scotland's desires for academic immigration can be met at the same time and be compatible with what appears to be the UK policy on quite tight restrictions without having a border.

Dr Shanks: In terms of academics, I can't imagine that there would be that many people who would have jobs, who would be more easily able to get into the University of Scotland, who would then suddenly disappear, because it would still be hard for them to get the job in a UK institution south of the Scottish border because, if they still had the more draconian immigration legislation in place, then it would be harder for them to get that job.

Q462 Chair: That would mean a restriction almost on the freedom of movement.

Mary Senior: This is a question that, again, we have asked the Cabinet Secretary and we have raised with the Better Together campaign. It is not an area where we have the answers, but I respect the Committee's concerns on this issue.

Q463 Chair: It seems not unreasonable to me that we ask you these things since you are representing many of the people who are directly involved in it. I understand your reservation about expressing a view overall on separation or not, but on issues like this and the assurances that are necessary, whether it is on research councils, student fees, discrimination and this question of immigration, I would have thought that you should be leading the search for truth and light on these matters.

Mary Senior: We have been at the forefront of pushing the argument around immigration, but, as I say, it is not just for Scotland. We are a UK union. It is hurting universities in England just as much as it is hurting universities in Scotland. That is both in terms of recruiting staff and students.

Chair: Unless there are any final, final points that you want to raise, that draws us to a close.

Q464 Lindsay Roy: Can I just chase up one point? It has been suggested to us that students here on short-term visas should not be counted as immigrants. Is that a way forward?

Mary Senior: I am struggling to answer that question because I don't think we should be distinguishing between more deserving immigrants or less deserving immigrants. We would certainly support a more open and inclusive immigration system, where people who have the ability to come and study in the UK are able to do that, and, equally, those who have the ability to come and work in the UK can do that and have something to offer our country.

Q465 Lindsay Roy: The point was raised by the principal of Aberdeen that we differentiated between those who were here to come to Britain permanently seeking a job or seeking work and those who were here on a short-term basis to enhance their qualifications and go back to their own country.

Mary Senior: We were very supportive of the fresh talent initiative, which was obviously started by a Labour First Minister in Scotland, because it enabled people to come here to study and then have a couple of years working. I just feel the situation we are in at the moment is really not helpful to our higher education institutions.

Chair: If there are any points that you think of as you are wandering away from here or subsequently, and you feel that you ought to let us know, then we would welcome hearing from you, either from yourselves or from any other of your members. That could be anonymously, if necessary.

There is one point I ought to clarify. Mr McGovern made an observation earlier on about possible negative repercussions. We want to make clear and put on the record that evidence given here is protected and that, if action was taken against anybody who gave evidence to us, that could very well be treated as contempt of the House of Commons. We would take that very seriously indeed. On that happy note—

Q466 Lindsay Roy: Can I just say, in addition, that I am very grateful to you for the very frank and candid way you have answered the questions?

Justine Seran: Can I react to what you were saying about repercussions? The whole issue is that, being on a zero-hours contract, we could be withdrawn work and never be told why. If they say, “We just don’t have hours for you,” we will never know whether it is just because we have been here or there can be deeper reasons, because they don’t have to tell us because it is a zero-hours contract.

Chair: I think we understand that and we will obviously consider how we pursue all these matters. Thank you very much for coming.