

## **JRS and Furloughing - Letter sent to warden & members of SMT 14.05.2020**

We welcomed the news yesterday that the government will extend the Job Retention scheme until the end of October. When the scheme was announced it was clear that its purpose was in part to allow employers to shield employees from being pushed into a job market which simply does not exist.

We hope that in light of this announcement, Goldsmiths will now re-open the scheme and work with UCU to keep our fixed term and AL colleagues in employment, while also making savings for the College. We strongly believe that it is in our collective strategic and operational interests to make furloughing work well, and that extending the scheme will be given priority in the weeks ahead.

Some concerns have been raised by SMT around the scheme; concerns we hope government guidance, and new UCU guidelines today should help alleviate.

1. The Warden said at JNC on 12 May that the College simply cannot furlough staff who are teaching **Home/EU students** in case this breaches government guidelines.

Furloughing HE teaching staff does not represent a breach of guidelines. Government guidance explicitly states that it is not possible to separate out which university roles are funded by public funds and which are funded by commercial or non-public funds:

“we do recognise the complexity of HE revenue and the role that cross-subsidy plays. If it is difficult to distinguish whether staff are funded through public or commercial income for the purposes of meeting the first 3 conditions as listed above, and some staff will be funded through multiple sources, as a guiding principle, HE providers should not seek to furlough a higher proportion of their wage bill than could reasonably be considered to have been generated through commercial income, including from non-public research grants and contracts.”

Looking at Goldsmiths accounts sent to the OfS in January, the College is approximately 38% funded by a combination of private sources -- primarily overseas tuition fees. There is no way that we would be looking at a furlough this many staff, so we would be well within the limits. There is also no demand that the funding sources of various individuals work would be looked at: this funding level would be determined at institutional level. Indeed, the furloughing of members of permanent technical staff in some areas will attest to this.

2. There is a concern that we cannot furlough colleagues **on Fixed Term and AL contracts**, which again is not the case.

The most recent Government Support Package for Higher Education Providers and Students reiterates the message from the **Universities Minister on April 8th**: “We have also confirmed that HE providers can access the Coronavirus Job Retention Scheme (CJRS) to safeguard staff jobs. This includes access to support for those staff with short term or hourly paid contracts.”

We would like to repeat here the specific advice from the Job Retention Scheme on **fixed term contracts**. If the employee's fixed term contract has not already expired, it **can be extended, or renewed**. An employee on a fixed term contract *can also be re-employed*, furloughed and claimed for if either:

- their contract expired after 28 February 2020 and an RTI payment submission for the employee was notified to HMRC on or before 28 February 2020
- their contract expired after 19 March 2020 and an RTI payment submission for the employee was notified to HMRC on or before 19 March 2020

The new areas of flexibility in the furlough scheme have additional benefits: staff can be taken off furlough (after a minimum of three weeks) to undertake work, then re-furloughed again when necessary. This would allow us to keep valued and experienced staff on hand to undertake additional marking and teaching where necessary, and would go some way towards addressing the workload crisis amongst permanent staff members.

As the figures supplied by Kate last week show, the contracts of 472 Fixed Term and AL colleagues will come to an end before the end of the new furlough period. None of these colleagues are likely to be able to find any work, and AL colleagues have now been told that they may not be re-hired for the next academic year. This is an appalling situation for the most financially precarious members of our community. and the future of our College and sector.

With the extension of the scheme, its new flexibility, and the government's clarification of its remit, we hope that we can take advantage of the furlough scheme now as a matter of urgency, in order to provide some stability to the our colleagues.

We look forward to your urgent response.

GUCU