

Jenny Lennox

Bargaining and Negotiations Official
University and College Union
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14 December 2021

Changes to the Universities Superannuation Scheme

Dear Jenny,

I am writing to let you know the decision that the Medical Academic Staff Committee has taken regarding the dispute between UCU and the Universities Superannuation Scheme. Before I start may I thank you for the assistance you have provided in helping the Committee to be fully informed of the nature of the changes proposed and UCU's response. The Committee particularly welcomed the presentation by your National Pensions Officer, Christine Haswell, at the MASC meeting in July. At that meeting Christine indicated that the UCU were considering two means of response: a legal challenge to the process that the USS had followed, and forms of industrial action.

Following the meeting in July, the Committee sought advice from our legal department on what was possible by way of BMA support and action. My colleague Anthony Brooks consulted with Christine and colleagues in your legal team before providing advice to the MASC Executive which met in November.

The Executive had a long debate about the changes to the USS and how best it could respond on behalf of the members of the BMA in the scheme. The Committee shares many of the concerns that UCU has about the proposals from the Universities Superannuation Scheme and the process that it has followed in reaching its decisions. The Executive, therefore, agreed that it was keen in principle to be a part of the legal action that UCU proposes to take. However, before a final decision can be made, we would need to see the advice UCU received from its QC and a copy of the proposed letter before action. The final decision would also not be in the hands of MASC but the BMA's Cases Committee and would be subject to a test regarding the likelihood of winning.

I'm afraid, however, that the members of the Executive also concluded that they could not ask the BMA to support the UCU's action for two reasons. First that the wider issues around pay and contracts were not disputes to which clinical academics were party and, second, that the UCU's proposal to reduce the pay cap for the main USS pension scheme was not in the interests of our members. Indeed, it was against the interests of our members.

Chief executive officer: Tom Grinyer



The Executive also considered what forms of informal support it could give to the UCU but recognised that for the BMA to encourage its members not to cross UCU picket lines (and thus potentially breach their individual contracts of employment with their university employers) or to call for them to do so would be unlawful. It would constitute an inducement to breach of contract and make the BMA liable to be enjoined and to pay damages. We would, therefore, need to advise our members accordingly as we have done during previous UCU disputes.

I hope that you understand the reasons for the Executive coming to the decisions that it did and that we can continue to work together on areas of common interest both on pensions and many other matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Cloke', with a stylized flourish at the end.

David Cloke
Head of Committee Secretariat
Medical Academic Staff Committee