



Part time hourly paid academic teaching staff: review of recruitment procedures and terms and conditions of employment

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1. Introduction

- 1.1. The University currently relies on the employment of part-time hourly paid academic teaching staff to meet its teaching commitments. With recent changes in employment legislation and the implementation of the Framework Agreement it is recognised by the University and UCU that there is a need to review the recruitment process and their terms and conditions of employment to secure a more equitable basis upon which they are recruited and employed.
- 1.2. The University and UCU have been working in partnership to address the above issues. In addition the current recruitment procedures and terms and conditions of employment have been reviewed to ensure that they are comparable with those in place for Academic and AR (P&M) staff. This paper outlines the proposed changes.

2. Background

- 2.1. Prior to session 2001, part-time hourly paid academic teaching staff were engaged on a self employed basis. However, to ensure that the University complied with legal requirements it was agreed by Senate and Council that they should generally be engaged on an employed rather than self employed basis.
- 2.2. In 2003 approximately 80 part-time hourly paid academic teaching staff employed in the School of Continuing Education (now Lifelong Learning Centre) and the Language Centre were transferred to fixed-term fractional contracts.
- 2.3. During session 2006/07 approximately 200 part-time hourly paid academic teaching staff were employed to teach specialist modules or to cover the teaching of academic staff (this excludes Postgraduate Students who are engaged to provide demonstrating and tutorial assistance).
- 2.4. Although the majority of the terms and conditions of employment for part-time hourly paid academic teaching staff are comparable with those for Academic and AR (P&M) staff, there is some disparity. The main areas identified include:
 - Following the implementation of role analysis, part-time hourly paid academic teaching staff have continued to be paid on an hourly basis, which includes the provision of preparation, contact time, assessment, holiday pay and university sick pay.
 - The recruitment process is carried out informally at school level and appointments are made on the basis of either a semester or academic session.
 - Staff have remained on fixed-term contracts.
 - There is little opportunity for their development.
 - Staff are currently given the opportunity of participating in SRDS, but very few take up the option.

3. Aims of the proposed changes

The aim of these proposed changes is:

- to recognise further changes in employment legislation;
- to provide the opportunity to move to contracts which are no longer fixed-term;
- to ensure that staff are appointed in a fair and consistent manner and in accordance with the University's recruitment policy;

- to meet the principle of equal pay for work of equal value by assimilating staff to the appropriate grade on the University pay and grading structure;
- to provide opportunities for development through SRDS.

4. Proposed changes

- 4.1. The proposed changes will apply to part-time hourly paid academic teaching staff that are in post at the time of assimilation to the new arrangements, and future appointments where individuals are regularly working 20% FTE¹ or more and the duration of the post is more than one semester. Details of these proposed changes are shown in Appendix 1.
- 4.2. To allow some flexibility, and to enable Schools/Services to recruit teaching cover at short notice, it is proposed that separate employment procedures are introduced for other part-time hourly paid academic teaching staff appointments. Details of these proposed procedures are outlined in Appendix 2.

¹Full-time weekly hours based on 37.5 hours

Appendix 1

Part time hourly paid academic teaching staff

Proposed Recruitment Procedures and the Terms & Conditions of Employment for part-time Tutors and Teaching Assistants where individuals are regularly working 20% FTE² or more and the duration of the post is more than one semester.

1. Recruitment and selection

The recruitment and selection process for future vacancies shall be carried out in accordance with the University's Recruitment Policy e.g.

- Full job descriptions and person specifications must be produced for all posts.
- Prior to advertisement:
 - roles will be matched to generic profiles, unless the role includes exceptional duties;
 - priority shall be given to staff on the redeployment register;
 - posts shall be advertised internally and externally and, as a minimum, placed on the web (both the University's website and on jobs.ac.uk);
 - central University interview panels will be required where the post is not fixed term or where the tenure of the post is more than 2 years;
 - references shall be obtained for all shortlisted candidates.

2. Pre-employment checks

Schools/Services will continue to be responsible for carrying out pre-employment checks, by obtaining and checking the necessary documentation in order for appointments to be processed. This will include:

- Taking up employment references.
- Ensuring that individuals provide the necessary documents to confirm they have the legal right to work in the UK.
- Monitoring health and criminal convictions noted on the application form. Any concerns must be raised with the Faculty HR Manager/Officer before an offer of employment is made.
- Where applicable, carry out CRB checks

3. Induction

To ensure that new members of staff are fully integrated into the School/Service/University, Heads of School/Service (or nominee) shall ensure that new staff receive an appropriate induction at School/Service level and arrange for their attendance at the University Induction course run by SDDU.

4. Probation/SRDS

- 4.1. New appointments shall normally be made subject to probation in line with the University's policy on Probation. However, Heads of School/Service will have the discretion to waive probation. .

² Full-time weekly hours based on 37.5 hours

- 4.2. Where probation is waived, and on successful completion of probation individuals will be required to follow SRDS procedures.
- 4.3. During probation, appointments may be terminated by either the individual or the University upon one month's written notice being given.

5. Employment contracts

Employment contracts will be issued by central HR.

6. Review of fixed term contracts

- 6.1. In line with the University's policy on the use of fixed-term contracts, part-time hourly paid academic teaching staff in post at the time of assimilation will have their employment positions reviewed with a view to moving to open ended contracts, with priority being given to those with 4 years or more continuous service. Heads of School will consider the transfer to part-time contracts which are no longer fixed-term on a case by case basis.
- 6.2. Staff appointed after assimilation will have their employment positions reviewed with a view to moving to open ended contracts in accordance with the University's Policy on the use of Fixed-Term Contracts.
- 6.3. A list of the current objective justifications for posts remaining fixed-term is given in section 4.2 of the 'Policy on the use of Fixed-Term Contracts'³. However, it is recognised that there may be other circumstances where it is not feasible to offer open ended contracts to this group of staff. Additional reasons may include:
 - the post is to provide teaching in an academic subject where the student or other business demand can be clearly demonstrated as particularly uncertain over and above that of generally accepted fluctuations over time;
 - the post is dependent on student numbers on programmes set by outside agencies (for example the Teacher Training Agency (TTA)).
- 6.4. Where a fixed-term contract is due to come to an end, members of staff should be consulted about the prospect of their post continuing in accordance with the University's Policy on the use of Fixed-Term Contracts e.g. within 5 months of the end date of their contract or, as soon as possible if the contract is less than 5 months. Where there is no guarantee of a further appointment individuals will be encouraged to join the redeployment register and will be dealt with under the Redeployment Policy.
- 6.5. The expiry of fixed-term contracts for staff who are working beyond the University's normal retirement date will be dealt with under the University's Retirement Policy.

7. Role analysis

- 7.1. Staff in post at the time of assimilation, and future roles will be matched to generic role profiles unless the role includes exceptional duties.
- 7.2. On assimilation to the new grading structure, individuals will benefit from normal incremental progression within grade.

³ See Appendix 3 attached

7.3. Where an individual feels that their role has changed significantly, and their current grade no longer reflects the level of duties that they are undertaking, they will be eligible to apply for promotion under the promotions exercise. Similarly, they will be eligible to apply for an award under the Contribution Pay Exercise.

8. Fractional/annualised hour contracts

8.1. Under the new arrangements it is proposed that fractional contracts shall normally be offered. However, it is recognised that this may not be appropriate in all cases. In such circumstances 'annualised hours' contracts will be agreed with the member of staff concerned, and the hours of work scheduled will be agreed with the individual at the beginning of each academic session. Consideration shall be given by the Head of School/Service, on a case by case basis at the start of the academic session for staff appointed on an 'annualised hours' contract to be given the option of moving to fractional contracts where appropriate.

8.2. A comparison between the current payment arrangements based on hourly rates, and the proposed salary for contracts based on fractional/annualised hours is shown below:

Calculation

The salary quoted in the following example is for illustrative purposes only. Once the roles for existing staff have been matched to the appropriate generic role profile, their salary will be matched to an equivalent scale point within grade on the University pay and grading structure. New staff will be appointed on the appropriate salary point within grade.

The following example is based on:

- teaching Assistant/Tutor level III, paid at an hourly rate of £47.80⁴, working 8 hours per week (contact hours) for 22 weeks;
- under the proposed revised calculation, it has been estimated that for each contact hour, 2.5 hours⁵ have been worked.

Current calculation				Proposed calculation							
Contact hours (per week)	No of weeks worked	Rate of Pay £	Total Payment £	Actual hours worked (per week)	No of weeks worked	Total hours worked	%Full-time ⁶	Salary ⁷ £	Hourly Rate £	Holiday Pay (15.57%) £	Total Payment £
8	22	47.80	8412.80	20	22	440	22.56	7,542 Equip 33,432 Grade 7	17.14	1,174	8,716

⁴ Based on rates of pay applicable from October 2008

⁵ The calculation of 2.5 hours will normally be the minimum used to calculate the total hours worked. However, this figure may exceptionally be varied depending on the teaching requirements of the post, subject to approval from the Deputy Director of Human Resources or the Head of Reward, Recruitment and Resourcing (or nominee)

The minimum starting salary for staff on these arrangements will normally be spine point 24.

9. Holidays

Payment in lieu of holiday will be taken into account when calculating annual salaries. Staff will be expected to take holiday during periods when they are not required to attend the University to teach or perform other administrative tasks.

10. Terms and conditions of employment

Other terms and conditions of employment, including sick pay and other benefits will be the same as those for Academic & AR (P&M) staff.

⁶ FTE has been calculated on an annual figure of 1950 hours (52wks x 37.50hrs)

⁷ Based on salaries effective from October 2008.

Appendix 2

Part time hourly paid academic teaching staff

Proposed Recruitment Procedures and the Terms & Conditions of Employment for part-time hourly paid Tutors and Teaching Assistants where:

- the post is more than 20%⁸ FTE, and the duration of the post is one semester or less;
- all posts of less than 20%⁹ FTE irrespective of the duration of the post.

1. Recruitment and selection

The recruitment and selection process will continue to be carried out at School/Service level. However, Heads of School/Service (or nominee) will be responsible for ensuring that equality and diversity issues are adhered to by ensuring that:-

- job descriptions and person specifications are produced;
- prior to advertisement:
 - roles are matched to generic roles, unless the role includes exceptional duties;
 - priority is given to staff on the redeployment register;
- posts are advertised locally, using email distribution lists and/or notice boards;
- shortlisting and interviews are carried out in accordance with departmental arrangements as outlined in the University's recruitment and selection policy;
- references are obtained for the successful candidate.

2. Pre-employment checks

2.1. Schools/Services will continue to be responsible for carrying out pre-employment checks by obtaining and checking the necessary documentation in order for appointments to be processed. For example:

- obtaining references for the successful candidate;
- ensuring individuals provide the necessary documentation to confirm that they have the legal right to work in the UK;
- monitoring health and criminal convictions noted on the 'Application Form and Principal Statement of the Terms and Conditions of Service'. Any concerns must be raised with the Faculty HR Manager/Officer before an offer of employment is made;
- where applicable, carry out CRB checks.

3. Employment contracts

Employment contracts will continue to be issued at School/Service level.

⁸ Full-time weekly hours based on 37.5 hours

4. Induction

To ensure that members of staff are integrated into the School/Service, Heads of School/Service (or nominee) shall arrange for new staff where the duration of the appointment is less than one semester, to receive an appropriate induction programme at School/Service level. Where the duration of the appointment is more than one semester, Heads of School/Service (or nominee) should encourage staff to attend the University Induction course run by SDDU.

5. Probation/SRDS

- 5.1. New members of staff appointed for less than one semester will not be appointed subject to probation, nor will they be required to follow SRDS procedures.
- 5.2. Appointments where the duration of the post is more than one semester, or where it has been agreed to extend an appointment beyond the duration of one semester will normally be subject to a period of probation in line with the University's policy on Probation. However, Heads of School/Service will have the discretion to waive probation.
- 5.3. Where probation is waived, or successfully completed, individuals will have the option of participating in SRDS. Where individuals decide not to participate in SRDS, Heads of School/Service (or nominee) shall be responsible for ensuring that objectives are agreed and periodically reviewed with the member of staff concerned. However, individuals will be required to follow SRDS procedures upon the completion of 12 months continuous service.
- 5.4. During probation, appointments may be terminated by either the individual or the University upon one month's written notice being given.

6. Fixed term contracts

- 6.1. These appointments will normally be made on a fixed-term basis.
- 6.2. In line with the University's policy on the use of fixed-term contracts, staff in post at the time of assimilation to these new procedures will have their employment positions reviewed with a view to moving to open ended contracts, with priority being given to those with 4 years or more continuous service. Consideration for transferring to contracts which are no longer fixed-term will be made on a case by case basis.
- 6.3. Staff appointed after assimilation will have their employment positions reviewed with a view to moving to open ended contracts in accordance with the University's Policy on the use of Fixed-Term Contracts.
- 6.4. A list of the current objective justifications for posts remaining fixed-term is given in section 4.2 of the 'Policy on the use of Fixed-Term Contracts'². However, it is recognised that there may be other circumstances where it is not feasible to offer open ended contracts to this group of staff. Additional reasons may include:
 - the post is to provide teaching in an academic subject where the student or other business demand can be clearly demonstrated as particularly uncertain over and above that of generally accepted fluctuations over time;
 - the post is dependent on student numbers on programmes set by outside agencies (for example the (TTA)).

- 6.5. Where a fixed-term contract is due to come to an end, members of staff will be consulted about the prospect of their post continuing in accordance with the University's Policy on the use Of Fixed-Term Contracts. Where there is no guarantee of a further appointment individuals will be encouraged to join the redeployment register.
- 6.6. The expiry of a fixed-term contract for staff who are working beyond the University's normal retirement date will be dealt with under the University's Retirement Policy.

7. Role analysis

- 7.1. Staff in post at the time of assimilation, and future roles will be matched to generic role profiles, unless the role includes exceptional duties.
- 7.2. On assimilation to the new grading structure, individuals shall benefit from normal incremental progression within grade.
- 7.3. Where an individual feels that their role has changed significantly, and their current grade no longer reflects the level of duties that they are undertaking, they will be eligible to apply for promotion under the promotions exercise. Similarly, they will be eligible to apply for an award under the Contribution Pay Exercise. .

8. Payment

- 8.1. Payment will be made on hourly rates of pay, based on a salary point on the appropriate grade within the University pay and grading structure. Payment will be calculated on actual hours worked (not contact hours) and holiday pay will no longer be 'rolled up' into the hourly rate of pay, but will be paid in addition.
- 8.2. Below is a comparison between payment under the current arrangements where payment is based on an hourly rate of pay, which includes the provision of preparation, contact, assessment, holiday pay and university sick pay and the proposed revised arrangements.
- 8.3. The salary quoted in the following example is for illustrative purposes only. Once the roles for existing staff have been matched to the appropriate generic role profile, their salary will be matched to an equivalent scale point within grade on the University pay and grading structure. New staff will be appointed on the appropriate salary point within grade.

The following example is based on:

- Teaching Assistant/Tutor, level III, paid at an hourly rate of £47.80¹⁰, working 2 hours per week (contact hours) for 10 weeks;
- under the proposed revised calculation, it has been estimated that for each contact hour 2.5¹¹ hours have been worked.

¹⁰ Based on rates of pay applicable from October 2008.

¹¹ The calculation of 2.5 hours will normally be the minimum used to calculate the total hours worked. However, this figure may exceptionally be varied depending on the teaching requirements of the post, subject to approval from the Deputy Director of Human Resources or the Head of Reward, Recruitment and Resourcing (or nominee)'

Current calculation				Proposed calculation					
Contact hours (per week)	No of weeks worked	Rate of Pay £	Total Payment £	Total weekly hours	No of weeks to be worked	Hourly Rate of Pay ¹² £	Salary ¹³ Payment £	Holiday Pay ¹⁴ (15.57%) £	Total Payment £
2	10	47.80	956.00	5	10	17.14	£857 Equiv 33,432 Grade 7	133.43	990.43

The minimum starting salary for staff on these arrangements will normally be spine point 24.

9. Holiday pay

- 9.1. Under the proposed arrangements, staff will receive monthly salary payments excluding holiday pay. It is expected that staff will take holiday during periods when they are not required to attend the University to teach or perform other administrative tasks.
- 9.2. Staff on employment contracts of less than one semester will receive payment in lieu of holiday on the expiry of their appointment.
- 9.3. Other staff employed for more than one semester will receive payment in lieu of holiday at the end of the academic session, or on request, at the time of taking holiday.

10. Terms and conditions of employment

- 10.1. All other terms and conditions of employment, including sick pay and benefits will be the same as those for Academic and AR (P&M) staff except:
 - in the event of insufficient student numbers being recruited making any course in which individuals are involved in the opinion of the University not viable, the University reserves the right to terminate their contract upon one months written notice;
 - appointments may be terminated with one months' notice in writing by either the individual or the University, unless the individual is entitled to a longer statutory notice period.

¹² The hourly rate of pay has been calculated on the basis – salary ÷ 1950 (52wks x 37.5hrs)

¹³ Based on salaries effective from October 2008.

¹⁴ Holiday pay has been calculated on the basis – 8wks+½day ÷ 52 = 15.57%

Appendix 3

Objective justification for staff remaining fixed term¹⁵

- The post is a clearly defined training or career development position.
- The post is to provide cover for a post holder who is temporarily absent.
- The post is funded through an external research development or other grant.
- The post is part of a training programme that has been extended for a limited period.
- The post is wholly or mainly concerned with a specific business or academic activity which the University has decided will cease.
- The post requires specialist skills for a limited period or is to accomplish a particular task or project for a limited period.
- Where the post is a secondment.
- Other exceptional circumstances which objectively justify use of a further fixed term contact, as agreed with the Director of Human Resources or his nominee.

¹⁵ The above list of objective justifications forms part of the University Policy on the use of Fixed-Term Contacts and although applied by the University it is not agreed with the campus trade unions. Any future changes agreed to the above list will apply to hourly paid teaching staff.