

BOARD OF GOVERNORS

FINANCE AND EMPLOYMENT COMMITTEE

CONTRACT OF EMPLOYMENT FOR MAXIMUM FLEXIBILITY FOR ASSOCIATE LECTURERS (RVLS)

1 Introduction

Governors will recall from previous discussions relating to SPEES leavers that the University has recently been made aware that Schools have been employing part-time lecturing staff - Regular Visiting Lecturer's (RVL's) – locally in a way which means they have acquired continuous employment rights with the University. This position is currently being rationalised. Contracts are now all issued by the Human Resources Department and have been brought in line with statutory requirements.

Schools have been asked to critically review their use of these staff (approximately 450 contracts currently) from a business perspective and in line with ensuring students receive a quality teaching and learning experience. This review will result in three main courses of action:

- (a) A number of these staff will be made redundant. The total number will not be known until student numbers are finalised in the Autumn.
- (b) Dependent on need, some staff who carry out the full range of teaching and teaching related duties will be offered fractional Lecturing contracts.
- (c) A further group who do teaching and related duties only will be offered a 'zero hours' contract' to ensure the University adheres to the requirements of employment law and recognises the permanent status of these individuals as employees. A 'zero hours' contract provides an ongoing contractual relationship with an individual who works on a regular but intermittent basis. It does not guarantee a set number of hours, but provides a mechanism whereby the employer can 'flex' hours according to business need via an agreed period of notice of any changes to the hours agreed at the outset in the contract.

This type of contract therefore gives the Schools the flexibility to use these individuals as and when they need them.

2 Proposal

Consideration has been made about the level of benefits to be offered with this type of contract which is new to the University (specifically, those relating to holiday and sickness pay, pension scheme and training/development). There are three main options:



Option 1

The option with least risk, but most cost, would be to offer these entitlements for this staff group pro rata to the entitlements enjoyed by lecturers. This would ensure that the terms and conditions would be in line with the Part-time Workers Regulations, which state that a part-time worker should receive the same pro-rata contractual entitlements as a full timer in proportion to the hours worked. UCEA's latest guidance (00/3) indicates that it would be difficult not to concede pro-rata sick and maternity entitlements (including recognising continuous service) in cases where the contracts are renewed for all or part of a succession of academic years, and that the most likely outcome of their current consultations with institutions is that regular staff should become fractional in all contractual respects.

It is difficult to cost the impact of this option as Schools have been asked to strategically review their use of these 'casual' academic staff. However, if Schools continue to use the same number of these staff next year it would cost the University a maximum of £200,000 in a full year.

This option is also in alignment with the HR Strategy and good employee relations.

Option 2

The option with the most risk, but least cost, would be to use a contract based on the current hourly rate for RVL's and assert that this includes an allowance for holiday entitlement. It is unlikely that staff will accept this. NATFHE are currently looking for a test case on this issue and this option would give them an opportunity to use the University in this respect. In the view of our legal advisors, there is a risk that the difference between Associate Lecturer and "ordinary" lecturer would be difficult for an Employment Tribunal to accept as justification for offering different level of benefits.

Option 3

A third option, which is currently being operated by some universities, uses the zero hours contract with just a notional 4 weeks holiday and 3 weeks sick pay. However, current and forthcoming employment legislation is very likely to render this option inoperable in the fairly near future.

3 Recommendation

That in light of changing employment legislation and business needs, the University:

- 3.1 introduces a 'zero hours' contract of employment for Associate Lecturers as outlined in Option 1 which enables the University both to have a flexible contractual relationship with these staff and which is in line with current legislation.
- 3.2 pays individuals who are made redundant as a result of this review the statutory minimum payment only in terms of their redundancy.

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